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LAW TRACTS,

IN TWO VOLUMES,

By

WILLIAM BLACKSTONE, ESQ.

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CONTENTS OF THE SECOND VOLUME.

THE GREAT CHARTER, ETC. WITH THE HISTORICAL INTRODUCTION.

THE

GREAT CHARTER

AND

CHARTER OF THE FOREST,

WITH OTHER

AUTHENTIC INSTRUMENTS:

TO WHICH IS PREFIXED

AN INTRODUCTORY DISCOURSE,

CONTAINING

THE HISTORY OF THE CHARTERS.

INTRODUCTION.

THERE is no tranſaction in the antient part of our engliſh hiſtory more intereſting and important, than the riſe and progreſs, the gradual mutation, and final eſtabliſhment of the charters of liberties, emphatically ſtiled THE GREAT CHARTER and CHARTER OF THE FOREST; and yet there is none that has been tranſmitted down to us with leſs accuracy and hiſtorical preciſion. There is not hitherto extant any full and correct copy of the charter granted by king John, M. Pine's engraving excepted, which, on account of the antiquity of it's character, is not fitted for general peruſal: and the charters of king Henry the third have always been printed, even in our ſtatute-books, not from the originals themſelves, but from an *Inſpeximus* of king Edward the firſt. This want of authentic materials, or neglect of recurring to ſuch as might be eaſily had, (of which the foregoing are two very glaring inſtances) has often betrayed

trayed our very beſt hiſtorians and moſt painful antiquarians into groſs and palpable errors, as will in ſome meaſure appear from the following deduction; to adjuſt and remedy which, as well as our remaining evidences and the diſtance of five centuries will allow, is the principal end of the preſent publication.

WHAT therefore the reader may expect in the following ſheets is an authentic and correct edition of THE GREAT CHARTER and CHARTER OF THE FOREST, with ſome other auxiliary charters, ſtatutes, and corroborating inſtruments; carefully printed from the originals themſelves, or (where thoſe are not at preſent in being) from cotemporary inrollments and records. And herein it will be proper to begin with the original articles or heads of agreement at the congreſs in Runingmede in the fifteenth year of king John, whereupon his great charter was founded; and to trace them, though their ſeveral variations and amendments during the infancy of king Henry the third, to the dangers which they underwent and the timely ſupports which they received during his riper age; and at length to their final and peaceful eſtabliſhment in the twenty ninth year of king Edward

ward the firſt. Theſe will be illuſtrated, in the following introductory diſcourſe, by ſuch facts and records as have fallen within the obſervation of the editor; who hopes he ſhall be able to aſcertain the hiſtory of this intereſting branch of our laws with ſome little degree of exactneſs. But it is not in his preſent intention, nor (he fears) within the reach of his abilities, to give a full and explanatory comment on the matters contained in theſe charters. This, he hopes, and has reaſon to believe, has long been meditated, and is in part already executed, by a gentleman whoſe learning, experience, and abilities are every way ſuited to the performance: and is a work, which, when properly executed, muſt include little leſs than a complete hiſtory of the feodal tenures, ſo far as they were received in this kingdom; together with an exact and comprehenſive view of our antient conſtitution in eccleſiaſtical matters as well as in civil government.

WITH regard to the original of THE GREAT CHARTER, Matthew Paris (or rather Roger Wendover [a]) hath recorded a tradition

[a] The former part of the hiſtory which goes under the name of Matthew Paris, to the year 1235, is ſuppoſed to have been written by Roger Wendover; though, in compliance with cuſtom, it will generally be here referred to as the work of Matthew Paris.

that

that it was formed upon the accidental discovery of that granted by king Henry the first. To this end he relates, that on the 20th of July 1213, when king John was absolved at Winchester by archbishop Langton from the excommunication under which he laboured, he was sworn to abolish such laws as were unjust, and to restore the good laws of king Edward; and that on the 4th of August following, in a council holden at S. Alban's, it was commanded on the part of the king that the laws of king Henry should be observed. He farther relates, that at a meeting of the prelates and nobility at S. Paul's on the 25th of August the archbishop privately informed them, that he had found a certain charter of king Henry the first, by which (if they pleased) they might re-establish their antient liberties: upon reading and understanding of which the barons, being greatly rejoiced, bound themselves with an oath in the presence of the archbishop, that whenever an opportunity offered they would contend for those liberties even to death itself. The same charter, he tells us, was produced a twelvemonth afterwards at the meeting of the earls and barons at S. Edmund's Bury; where they all swore at the high altar to make war upon the king, if he refused to grant them the liberties

berties therein contained: and that accordingly they demanded of their ſovereign a confirmation of that very charter, when they addreſſed him in a menacing manner at Chriſtmas following. He, laſtly, relates that the king, having obtained a reſpite till after Eaſter to conſider of their demands, deſired then to be informed what laws and liberties they were which they ſo earneſtly required; whereupon they ſent him a ſchedule, partly conſiſting of the articles of king Henry's charter, and partly of other laws of king Edward, upon which he inſinuates that the great charter was afterwards formed. This traditional account has been adopted by all our modern hiſtorians; and from thence too ſir Roger Twyſden [b] apprehends, that this charter of king Henry the firſt may be called the baſis and foundation of the ſubſequent great charter of liberties.

It muſt be acknowleged, that very many of the articles, contained in the charter of king Henry the firſt, were in ſubſtance afterwards repeated in that of king John; as will appear by a compariſon of the latter, in the preſent edition, with the former as inſerted

[b] Lamb. *Archaionom.* 157.

in

in the notes [c]. Yet it cannot but ſeem very extraordinary, that ſince Matthew Paris him-

[c] Matthew Paris has twice recited this charter of king Henry the firſt. (*A. D.* 1100 and 1213.) There are alſo two copies of it entered in the red book of the exchequer at Weſtminſter, one of which is prefixed to king Henry's laws publiſhed by Lambard (*Archaionom.* 175.) and Wilkins. (*L L. Anglo-Sax.* 233.) It is likewiſe printed in Richard of Haguſtald's hiſtory of king Stephen. (310.) But the following copy is taken from the *Textus Roffenſis* publiſhed by Hearne; (*c.* 34. *p.* 51.) which is acknowleged to be the moſt antient of any, the book being compiled by Ernulf biſhop of Rocheſter, who died *A. D.* 1114. The proëme, as well as the concluſion, are materially different in the ſeveral copies we have of it; but the body of the charter is in moſt reſpects much the ſame.

Inſtitutiones Henrici regis.

Anno incarnationis dominice MCI Henricus filius Willelmi regis poſt obitum fratris ſui Willelmi Dei gracia rex Anglorum omnibus fidelibus ſalutem Sciatis me Dei miſericordia et communi conſilio baronum totius regni Anglie ejuſdem regem coronatum eſſe Et quia regnum oppreſſum erat injuſtis exactionibus ego Dei reſpectu et amore quem erga vos habeo ſanctam Dei eccleſiam inprimis liberam facio ita quod nec vendam nec ad firmam ponam nec mortuo archiepiſcopo ſive epiſcopo ſive abbate aliquid accipiam de dominico eccleſie vel de hominibus ejus donec ſucceſſor in eam ingrediatur Et omnes malas conſuetudines quibus regnum Anglie injuſte opprimebatur inde aufero quas malas conſuetudines ex parte hic ponо Si quis baronum comitum meorum ſive aliorum qui de me tenent mortuus fuerit heres ſuus non redimet terram ſuam ſicut faciebat tempore fratris mei ſed juſta et legitima relevatione relevabit eam Similiter et homines baronum meorum juſta et legitima relevatione relevabunt terras ſuas de dominis ſuis Et ſi quis baronum vel aliorum hominum meorum filiam ſuam nuptum tradere voluerit ſive ſororem ſive neptim ſive cognatam mecum inde loquatur ſed neque ego aliquid de ſuo pro hac licentia accipiam neque defendam ei quin eam det excepto ſi ca vellet jungere inimico meo Et ſi mortuo barone ſive alio homine meo filia heres remanſerit illam dabo conſilio baronum meorum cum terra ſua Et ſi mortuo viro uxor ejus remanſerit et ſine liberis fuerit dotem ſuam et maritationem habebit et eam non dabo marito niſi ſecundum velle ſuum Si vero uxor cum liberis remanſerit dotem quidem et maritationem habebit dum corpus ſuum legitime ſervaverit et eam non dabo niſi ſecundum velle ſuum Et terre et liberorum cuſtos erit ſive uxor ſive alius propinquarius qui juſtius eſſe debeat Et precipio quod barones mei ſimiliter ſe contineant erga filios et filias vel uxores hominum ſuorum Monetagium commune quod capiebatur per civitates et comitatus quod non fuit tempore regis Eduuardi hoc ne amodo ſit omnino defendo Si quis captus fuerit ſive monetarius ſive alius cum falſa moneta juſticia recta inde fiat Omnia placita et omnia debita que fratri meo debebantur condono exceptis rectis firmis meis et exceptis illis que pacta erant pro aliorum hereditatibus vel pro eis rebus que juſtius aliis contingebant Et ſi quis hereditate ſua aliquid pepigerat

self informs us, that copies of king Henry the first's charter were sent *(A. D. 1100)*

gerat illud condono et omnes relevationes que pro rectis hereditatibus facte fuerant Et si quis baronum vel hominum meorum infirmabitur sicut ipse dabit vel dare disponet pecuniam suam ita datam esse concedo Quod si ipse preventus armis vel infirmitate pecuniam suam non dederit vel dare disposuerit uxor sua sive liberi aut parentes et legitimi homines ejus eam pro anima ejus dividant sicut eis melius visum fuerit Si quis forisfecerit non dabit vadium in misericordia pecunie sicut faciebat tempore patris mei vel fratris mei sed secundum modum forisfacti ita emendabit sicut emendasset retro a tempore patris mei in tempore aliorum anteccessorum meorum Quod si perfidie vel sceleris convictus fuerit sicut justum fuerit sic emendet Murdra etiam retro ab illo die qua in regem coronatus fui omnia condono Et ea que amodo facta fuerint juste emendentur secundum lagam regis Eduuardi Forestas omni consensu baronum meorum in manu mea retinui sicut pater meus eas habuit Militibus qui per loricas terras suas defendunt terras dominicarum carrucarum suarum quietas ab omnibus gildis et omni opere proprio dono meo concedo ut sicut tam magno allevamine alleviati sint ita se equis et armis bene instruant ad servitium meum et ad defensionem regni mei Pacem firmam in toto regno meo pono et teneri amodo precipio Lagam Eduuardi regis vobis reddo cum illis emendationibus quibus pater meus eam emendavit consilio baronum suorum Si quis aliquid de rebus meis vel de rebus alicujus post obitum Willelmi regis fratris mei cepit totum cito sine emendatione reddatur et si quis inde aliquid retinuerit ille super quem inventum fuerit michi graviter emendabit Testibus M. Lundonie episcopo et Gundulfo episcopo et Willelmo electo episcopo et Henrico comite et Sim' comite et Waltero Giffardo et Rodberto de Monfort et Rogero Bigoto et Henrico de Portu apud Londoniam quando fui coronatus.

To this it may not be amiss to subjoin the charters of king Stephen and king Henry the second, in order to throw together in one view the several grants of liberties which have been made by our antient monarchs, since the conquest and prior to the great charter of king John. Of king Stephen's there are two extant; one of which is said, in a MS collection of charters by sir Symonds Dewes, *(Harl. MSS. num. 311. fol. 243.)* to be entered in the red book of the exchequer at Westminster; but upon a diligent search was not to be met with therein: a copy of it however is preserved in an antient MS in the Cotton library, *(Claud. D. 2. fol. 75.)* which is as follows;

Stephanus Dei gratia rex Anglie justiciariis vicecomitibus baronibus et omnibus ministris et fidelibus suis Francis et Anglicis salutem Sciatis me concessisse et presenti carta confirmasse omnibus baronibus et hominibus meis de Anglia omnes libertates et bonas leges quas Henricus rex Anglie avunculus meus eis dedit et concessit et omnes bonas leges et bonas consuetudines eis concedo quas habuerunt tempore regis Edwardi Quare volo et firmiter precipio quod habeant et teneant omnes illas bonas leges et libertates de me et heredibus meis ipsi et heredes sui libere quiete et plenarie et prohibeo ne quis

to all the counties in England, and depoſited in the principal monaſteries; ſince the ſame

quis eis ſuper biis moleſtiam vel impedimentum vel diminutionem faciat ſuper forisfacturam meam Teſte Willielmo Martel apud London.

The other, which chiefly reſpects eccleſiaſtical matters, is ſomewhat longer; and is not only recited by Richard of Haguſtald, the hiſtorian of this prince, (314.) but the original itſelf under ſeal was formerly in the hands of M. Hearne; *(Not. ad Guil. Newbrig. 711.)* though what is now become of it is uncertain. The following is the copy which he gives of it.

Ego Stephanus Dei gratia aſſenſu cleri et populi in regem Anglorum electus et a Willelmo Cantuarienſi archiepiſcopo et ſancte Romane eccleſie legato conſecratus et ab Innocentio ſancte Romane ſedis pontifice poſtmodum confirmatus reſpectu et amore Dei ſanctam eccleſiam liberam eſſe concedo et debitam reverentiam illi confirmo Nichil me in eccleſia vel rebus eccleſiaſticis ſimoniace acturum vel permiſſurum eſſe promitto Eccleſiaſticarum perſonarum et omnium clericorum et rerum eorum juſticiam et poteſtatem et diſtributionem honorum eccleſiaſticorum in manu epiſcoporum eſſe perhibeo et confirmo Dignitates eccleſiarum privilegiis earum confirmatas et conſuetudines earum antiquo tenore habitas inviolate manere ſtatuo et concedo Omnes eccleſiarum poſſeſſiones et tenuras quas die illa habuerunt qua Willelmus avus meus rex Angl' fuit vivus et mortuus ſine omnium calumpniantium reclamatione eis liberas et abſolutas eſſe concedo Si quid vero de habitis vel poſſeſſis ante mortem ejuſdem regis quibus modo careat eccleſia deinceps repecierit indulgentie et diſpenſationi mee vel reſtituendum vel diſcutiendum reſervo Quecunque vero poſt mortem ipſius regis liberalitate regum largitione principum oblatione comparatione vel qualibet tranſmutatione fidelium eis collata ſunt confirmo Pacem et juſticiam me in omnibus facturum et pro poſſe meo conſervaturum eis promitto Foreſtas quas Willelmus rex avus meus et Willelmus ſecundus avunculus meus inſtituerunt et tenuerunt mihi reſervo Ceteras vero omnes quas Henricus rex ſuperaddidit eccleſiis et regno quietas reddo et concedo Si quis epiſcopus vel abbas vel alia eccleſiaſtica perſona ante mortem ſuam ſua rationabiter diſtribuerit vel diſtribuenda ſtatuerit firmum manere concedo. Si vero morte preoccupatus fuerit pro ſalute anime ejus eccleſie conſilio eadem fiat diſtributio Dum vero ſedes propriis paſtoribus vacue fuerint ipſe et omnes earum poſſeſſiones in manu et cuſtodia clericorum vel proborum hominum ejuſdem eccleſie committantur donec paſtor canonice ſubſtituatur Omnes exactiones et injuſticias et meſcheningas ſive per vicecomites vel alios quoſlibet male inductas funditus extirpo Bonas leges et antiquas et juſtas conſuetudines in murdris et placitis et aliis cauſis obſervabo et obſervari precipio et conſtituo Hec vero omnia concedo et confirmo ſalva regia et juſta dignitate mea. T. W. archiepiſcopo Cant' et H. archiepiſcopo Roth' et H. epiſcopo Wint' et R. epiſcopo Sar' et A. epiſcopo Linc' et E. epiſcopo Norwic' et S. epiſcopo Wirec' et B. epiſcopo ſancti David' et A. epiſcopo Ebr' et R. epiſcopo Abr' et R. epiſcopo Heref' et Johanne epiſcopo Rouec' et A. epiſcopo Carl' et R. Canc' et H. nep' reg' et R. de Fiſc' et R. comite Gloec'

was expreſſly confirmed by his grandſon king Henry the ſecond, as appears from his charter below; and ſince the laws of king Henry the firſt were commanded to be obſerved by king John's own authority, on the 4th of Auguſt; this charter ſhould notwithſtanding have been ſo totally forgotten by all the prelates and barons aſſembled at S. Paul's, within three weeks afterwards, that it's diſcovery by the archbiſhop ſhould be a matter of ſuch novelty and triumph: nay, that the king himſelf, at Eaſter 1215, ſhould want information what thoſe laws and liberties were, that were then ſo earneſtly demanded of him. Nor indeed, if this charter was thus uppermoſt in the

Gloec' et W. comite War' et R. comite Ceſtr' et R. comite Warwic' et Roberto de Ver' et M. Gloec' et B. filio Com' et R. de Oilli conest' et Willelmo Mart' et H. Big' et V. de Bub' et S. de Belloc' dap' et W. de Alb' et Eud' Mart' Linc' et R. de Ferr' et Willelmo Penr' et S. de ſancto Licio et W. de Albam' et P. filio Joh' et H. de ſancto Claro et J. de Laceio Apud Oxen' anno dominice incarnacionis M.C.XXXVI. in communi concilio.

The charter of king Henry the ſecond is entered in the red book of the exchequer, from which the following copy is exactly printed;

Henricus Dei gratia rex Anglie dux Normannie et Aquitanie comes Andegavie baronibus et fidelibus ſuis Francis et Anglicis ſalutem. Sciatis me ad honorem Dei et ſancte eccleſie et pro communi emendatione totius regni mei conceſſiſſe et reddidiſſe et preſenti carta mea confirmaſſe Deo et ſancte eccleſie et omnibus comitibus et baronibus et omnibus hominibus meis omnes conſuetudines quas Henricus avus meus eis dedit et conceſſit Similiter etiam omnes malas conſuetudines quas ipſe delevit et remiſit ego remitto et deleri concedo pro me et heredibus meis Quare volo et firmiter precipio quod ſancta eccleſia et omnes comites et barones et omnes mei homines omnes illas conſuetudines et donationes et libertates et liberas conſuetudines habeant et teneant libere et quiete bene et in pace et integre de me et heredibus meis ſibi et heredibus ſuis adeo libere et quiete et plenarie in omnibus ſicut rex Henricus avus meus eis dedit et conceſſit et carta ſua confirmavit Teſte Ricardo de Luci.

minds

minds of the barons, can we at all account for their forgetfulneſs at the congreſs of Runingmede; the name of king Henry the firſt not once occurring in the *capitula*, or rough draught, of the great charter; nor even in the charter itſelf. It is poſſible however that, though the circumſtances with which it is embelliſhed are very ſuſpicious and improbable, yet the ſtory itſelf may ſo far have a foundation in truth, that the recollection and remembrance of the charters which the king's predeceſſors had granted, might ſuggeſt to the prelates and barons the propriety of demanding another; and might teach them the greater expedience of having the liberties which they claimed openly ſet down in writing, than of relying on the general terms of the oath which the king had juſt taken at Wincheſter.

For it is agreed by all our hiſtorians that the great charter of king John was for the moſt part compiled from the antient cuſtoms of the realm, or the laws of king Edward the confeſſor; by which they uſually mean the old common law, which was eſtabliſhed under our ſaxon princes, before the rigors of feodal tenure and other hardſhips were imported from the continent by the kings of the norman

norman line. But the immediate occaſion of demanding a reſtitution and confirmation of theſe liberties, at this particular time, is ſomewhat difficult to be certainly known. Matthew Paris, we ſee, attributes it to the ſudden diſcovery of the long-loſt charter of king Henry the firſt. Knyghton, Hemingford, and Robert of Glouceſter agree in aſſerting that the king's inordinate debauchery was the cauſe of theſe civil diſſenſions; and the two former have given us a particular account of the plot laid by the king to vitiate the wife of Euſtace de Veſci, a principal baron of thoſe times, who thereupon (it is ſaid) ſtirred up the other barons to aſſert their liberties by force of arms. And this receives ſome countenance, not only from the teſtimony of a cotemporary writer [d], who informs us that the king had cauſed that nobleman and Robert Fitzwalter to be outlawed, had

[d] Ralph of Coggeſhale; who wrote a continuation of an antient chronicle, which has never yet been printed in England. There are extant two MSS of this chronicle, which begins *A. D.* 1066, and was originally compiled by Ralph Niger a monk of the abbey of Coggeſhale; one in the Cotton library, *(Veſpaſ. D.* 10.) the other in the heralds' office among the duke of Norfolk's collection; (numb. 11.) in both of which at the year 1207 is the following entry: *Obiit dominus Thomas abbas xv^us de Cogeſh', cui ſucceſſit dominus Radulfus monachus ejuſdem loci, qui hanc cronicam a captione ſancte crucis uſque ad annum undecimum Henrici regis iij filii regis Johannis deſcripſit.* Two imperfect fragments of this chronicle, from a MS in the library of S. Victor at Paris are printed in the fifth volume of *Veterum Scriptorum et Monumentorum Collectio* by Martene and Durand. *Par.* 1729. *fol.* 801 & 871.

ſeiſed

ſeiſed their lands, and had demoliſhed their caſtles; but alſo from a mandate, which was ſent by pope Innocent the third to Euſtace de Veſci, 5 November 1214, and is preſerved in Rymer's *Foedera* [e], requiring him to ceaſe from troubling the king by any farther confederacies or conſpiracies againſt him, ſince the differences between the kingdom and the prieſthood were now providentially allayed. But the annals of Waverley, (which are alſo apparently cotemporary with theſe tumults) beſides the oppreſſion and incontinence of the king himſelf, aſcribe the anger of the barons to the ill uſe which Peter biſhop of Wincheſter, who in 1213 [f] was conſtituted chief juſticiary, made of his newly acquired power during the abſence of king John in France. And this appears the more probable, becauſe the nobility were from the firſt extremely diſguſted at his promotion, taking it very ill that a foreigner ſhould be preferred above them all [g]; and becauſe in the great charter we find the power of the chief juſticiary conſiderably curbed in many inſtances, and a ſtrong innuendo given [h] that the officers of juſtice had been deficient in the knowlege, or at leaſt in the obſervance of the laws of the

e 1 Rym. 195.
f *Ibid.* 181.
g R. de Coggeſh.
h *cap.* 45.

land.

land. Poſſibly indeed theſe motives did all of them concur to animate the conduct of the diſcontented barons: domeſtic injuries received from the king in perſon, coupled with ſome groſs acts of national oppreſſion by his miniſter, might whet their private reſentment as well as rouſe their public ſpirit, to demand a new ſecurity againſt ſuch tyrannical proceedings for the future.

BUT whatever were the provocations that incited them, it appears that a league of the barons was formed at S. Edmund's Bury [i], towards the cloſe of the year 1214, when they aſſembled together under pretence of devotion, and therefore probably (as M. Carte has conjectured [k]) on the 20th of November, which was S. Edmund's day. They there ſolemnly ſwore upon the high altar, to wage war with the king, and withdraw themſelves from his fealty, till he ſhould confirm by a charter under ſeal the ſeveral liberties which they demanded: and to that end they engaged, to go in a body to the king immediately after Chriſtmas to make their requeſt in form, and in the mean time to provide themſelves with horſes and arms, that (in caſe he receded from his former engagements) they might

A.D. 1214. 16 Joh.

i Matth. Paris.

k 1 Hiſt. of Engl. 828.

compel

A.D. 1214. 16 Joh. compel him to give them satisfaction by attacking his castles.

ACCORDINGLY, on the day of the Epiphany [l], they came to the king at London, in a manner that seemed to denounce hostilities in case of opposition [m], and demanded a confirmation of the liberties which they so often had claimed. John at first made a shew of resistance, absolutely refused their demands, and endeavoured to extort a promise from the barons that they would never renew this request: but, finding them resolute in their purpose, he thought it best to gain time; and therefore at length it was agreed that the king's answer should be respited till the close of Easter.

IN the mean time both parties took their several measures to accomplish the very different ends which they had in view. The king, in order to gain the churchmen to his interests, gave up by a charter (dated the 15th of January [n]) to all the monasteries and cathedrals in the kingdom the free right of electing their prelates, reserving only the form of a *conge d'elire* beforehand, and of the royal as-

[l] 1 Rym. 185.
[m] Matth. Paris.
[n] Matth. Paris. W. Thorn. 1 Rym. 198.

sent

ſent afterwards; but expreſsly declaring that, *A.D.1214. 16 Joh.* if both or either were arbitrarily withheld by the crown, the election notwithſtanding ſhould be valid [o]. This charter he immediately tranſmitted to Rome by an agent of his, one W. Mauclere, who arrived there on the 17th of February. The barons alſo diſpatched Euſtace de Veſci, and one or two more, to make good their ſtory to the pope; and to implore the interpoſition of his holineſs, as the feodal lord of the kingdom, in order to admoniſh and (if neceſſary) to compel his royal vaſal to the faithful obſervance of thoſe antient liberties, which had been confirmed by the charters of his anceſtors, and the oath of the king himſelf. Theſe embaſſadors arrived at Rome on the 28th of February following [p]. The king alſo, farther to inſure both himſelf and his poſſeſſions from violence, on the 2d of February [q] took upon him the croſs and vowed an expedition to the holy land againſt the infidels: it being, according to the romantic

o In 1 Wilk. *Concil. M. B.* 545, there is a tranſcript of this charter from the regiſter of the church of Canterbury, dated 21 Nov. 1214; about the ſame time that the king granted to the archbiſhop of Canterbury the entire and abſolute patronage of the biſhoprick of Rocheſter. (2 Pryn. Rec. 339.) It is poſſible therefore that this grant, of 15 January, might be only a reſealing or freſh promulgation of the former charter, for the purpoſe of tranſmitting it to the pope.

p 1 Rym. 184.

q According to Matth. Paris; but Matth. Weſtm. and T. Wykes ſay it was the 4th of March.

A.D. 1214. 16 Joh. superstition of the times, to the highest degree profane and irreligious to offer any personal insult to such heroical votaries, or even to attack their property. But this fit of devotion, arising more from his apprehensions than his zeal, proved very ineffectual to his purposes; since archbishop Langton was, though secretly, at the head of the confederacy against him.

A.D. 1215. 17 Joh. THE pope however, willing to favour his new vasal, (whose charter concerning elections he accepted very graciously, and confirmed on the 30th of March [r],) sent letters to the bishops and barons [s], dated the 19th of March, 1214; disapproving of the conduct of the latter, in endeavouring to extort by force what they rather should have requested with reverence, and exhorting the former to interpose their good offices, in order to preserve the peace of the kingdom; to which end he concluded with recommending it to the king to deal graciously with his nobles, and to grant them their just petitions.

THESE letters did not arrive till after Easter, which happened this year on the 19th of

[r] 1 Rym. 197. [s] *Ibid.* 198.

April [t],

April [t], and was the time when the king had engaged to give in his answer to the barons. They therefore in the Easter-week, before the receipt of the pope's letters [u], assembled at Stamford in Lincolnshire with a numerous army of their dependants, among whom were reckoned no less than two thousand knights; and from thence marched to Brackley in Northamptonshire on Monday the 27th of April; the king being then about fifteen miles distant, at Oxford. Upon news of their approach the king sent to them the archbishop, the earl of Pembroke, and some others, to learn an exact account of the laws and liberties which they required him to confirm: to which they replied by sending a written schedule containing the whole of their demands, and subjoined a menace that, unless these were immediately granted under seal, they would seise the king's castles and other possessions till they compelled him to do them justice. Ralph of Coggeshale mentions this as the time of their producing the charter of Henry the first; which was probably now appealed to by way of precedent, in order to demonstrate to the king, that their demands were neither in subst ance nor in form so en-

A.D. 1215. 17 Joh.

[t] Dufresne. Gloss. *t. Annus.*

[u] 1 Rym. 204.

A D. 1215. 17 Joh. tirely new as he might chooſe to repreſent them. Matthew Paris relates, that the king received theſe overtures with great indignation, aſking why the barons did not alſo demand of him to ſurrender his kingdom, and proteſting with an oath that he never would grant ſuch liberties to them as muſt render himſelf a ſlave; and he adds, that upon this meſſage being returned the barons kept no farther meaſures, but broke out into open war. But king John himſelf, in his account of theſe tranſactions to the pope[w], complains that the barons and even the prelates had paid no regard to his holineſs's letters; (which ſeem to have arrived during this fruitleſs negotiation) nor to the pleas which he had alleged for his ſecurity, that the kingdom was now (by his late reſignation of his crown to the pope) become S. Peter's patrimony, and that he himſelf had taken the croſs for the holy land: he moreover declares, that he had offered to aboliſh all evil cuſtoms that had ariſen in his own time, or in the time of his brother king Richard, and to refer any grievances introduced in his father's reign to the advice and determination of his faithful ſubjects; that at the inſtigation of the archbiſhop

[w] 1 Rym. 200. 2 Pryn. 345.

(who,

(who, till that ſhould be done, refuſed to excommunicate the inſurgents according to the pope's directions) he had diſmiſſed all the foreign mercenaries that were in his own army; and had afterwards by letters patent offered to refer all differences to the holy ſee and eight other arbitrators, four to be named by each party; or to the judgment of their own peers; or, laſtly, to the ſole judgment of the pope alone: but that the barons refuſed all propoſals of accommodation. A.D. 1215. 17 Joh.

THAT ſome credit may be given to this account, though proceeding from an intereſted party, is certain, becauſe the letters patent relating to the laſt offer are ſtill extant upon the rolls at the tower [x], conceived in very ſimilar terms to thoſe of the thirty ninth chapter of the ſubſequent charter at Runingmede. But whether it was that the barons ſuſpected

[x] *Pat.* 16 *Joh. part.* 1. *m.* 3. *d. n.* 2.

Rex omnibus ad quos littere preſentes pervenerint ſalutem Sciatis nos conceſſiſſe baronibus noſtris qui contra nos ſunt quod nec eos nec homines ſuos capiemus nec diſſaiſiemus nec ſuper eos per vim vel per arma ibimus niſi per legem regni noſtri vel per judicium parium ſuorum in curia noſtra donec conſideratio facta fuerit per iiij^or quos elegimus ex parte noſtra et per iiij^or quos cligent ex parte ſua et dominum papam qui ſuperior erit ſupra eos et de hoc ſecuritatem eis faciemus quam poterimus et quam debebimus per barones noſtros et interim volumus quod epiſcopi London' Wygorn' Ceſtrens' Roffenſis et W. comes Warenn' interim eos ſecuros faciant de predictis et ſi forte contra aliquod interceptum fuerit infra competens tempus per predictos octo emendetur Et in hujus &c eis fieri fecimus Apud Windeſorum x die Mali a. r. n. xvi^mo.

the

A.D. 1215. 17 Joh. the king's ſincerity, or diſliked the umpirage of the holy ſee, they determined not to hazard by any treaty what they thought they were ſtrong enough to obtain by force; and accordingly now choſe them a general in form, namely Robert Fitzwalter beforementioned, whom they entitled the mareſcall of the army of God and of holy church. They next in the moſt ſolemn manner on the 5th of May, at Wallingford [y], diſclaimed all allegiance to the king, and were abſolved from their oath of fealty by one of the canons of Derham. Immediately after which they began their attack upon the king's caſtles; and, though they were repulſed at Northampton, yet the fortreſs of Bedford ſurrendered upon their firſt approach, and they took poſſeſſion of London without any oppoſition, by private agreement with the citizens, on Sunday the 24th of May [z].

THE king, who had retired to Odiham in Hampſhire [a], finding himſelf deſerted by almoſt all his followers, and that he had only ſeven lords who remained in his court [b], was

y Chron. Dunſtapl. But Thomas Walſingham *(Upodigm. Neuſtr.)* places this tranſaction at Reading.

z So Matth. Paris; but the chronicle of Dunſtaple and R. Coggeſhale, inſtead of the 24th, ſay it was on Sunday the 17th.

a 1 Rym. 201.

b R. Coggeſh.

obliged

obliged to give way to the ſtorm; and therefore diſpatched William Mareſcall earl of Pembroke to London, to inform the diſcontented barons that he was ready to comply with their demands, and to deſire that a place and time of meeting might be fixed for that purpoſe [c]. Accordingly a large meadow between Windſor and Stanes (about half way from Odiham to London) was appointed for the place of conference; which meadow was denominated Runingmede or Runemede, ſignifying (according to Matthew of Weſtminſter) *pratum conſilii*, becauſe he ſays it had heretofore been frequently uſed for holding great councils of the realm: and the Tueſday in Whitſonweek, or 9th of June, was firſt agreed on as the time of the congreſs; for which purpoſe the king came to Merton in Surry the day before, and there granted letters of ſafeconduct to the barons [d]. But the meeting was afterwards deferred till the Monday following, and the ſafeconducts were

A.D. 1215. 17 *Joh.*

[c] Matth. Paris.

[d] *Pat.* 17 *Joh. m.* 24.

Rex omnibus has literas inſpecturis ſalutem Sciatis quod ſuſcepimus in ſalvum conductum noſtrum omnes illos qui venient ex parte baronum uſque Stan' die Martis in ſeptim' Pentecoſtes anno regni noſtri xvijmo in eundo illuc et redeundo et ibidem moram faciendo ad pacem faciendam et firmandam inter nos et ipſos barones Duret autem conductus iſte uſque ad diem Jovis proximo ſequentem completum Et in hujus &c vobis mittimus T. meipſo apud Mereton viij die Junii a. r. n. xvijmo.

continued

A.D. 1215. 17 Joh. continued to that time [e], the king being then at Windsor. On which last mentioned day, being Trinity-Monday the 15th of June, the barons came to the place appointed in great numbers, and the king attended by a very few (and those only seeming) friends from among the prelates and temporal lords. They encamped apart from each other [f], like declared enemies, and then opened the conference, which lasted for several days and did not come to a conclusion till Friday the 19th of June.

When preliminaries were adjusted, they first drew up certain articles or heads of agreement, which were afterwards to be reduced to the form of a charter; and to these the king affixed his great seal. A copy of these is entered in a book belonging to the archbishop's library at Lambeth [g]; from whence sir Henry Spelman transcribed them into his *Codex veterum legum*, which is published by

[e] *Eod. Rotulo, membr. ead.*

Mandatum est comiti Sar' Savarico de Malo Leone Ricardo filio Regis Willielmo Brivverr' Willielmo de Cantilup' Walerando Teutonico Johanni de Basingeburn Willielmo de Harecurt Rogero de Nevill' Stephano Haringot' et Gaufrido de Marteny quod treuge predicte prorogate sunt a die Jovis in septim' Pentecostes usque in diem Lune in crastino Trinitatis mane et quod treugas illas interim fideliter et firmiter interim teneant nec malum vel dampnum eis vel aliquibus de suis inferant T. R. apud Windesorum x die Junii anno ut supra.

[f] R. Coggesh.

[g] 3 Selden. 1995.

doctor

doctor Wilkins at the end of his *Leges Anglo-Saxonicae*[h]: but the original articles themſelves are ſtill in being, and from them the following copy[i] is exactly printed. Theſe were formerly in the poſſeſſion of doctor Burnet biſhop of Saliſbury; who in his famous paſtoral letter, which was burnt by the order of the houſe of commons, having vouched a particular clauſe in them the exiſtence of which was doubted by ſome of his antagoniſts, the whole was thereupon printed (though ſomewhat incorrectly) from the Lambeth manuſcript, in the appendix to a tract of thoſe times[k]. How the articles came to the biſhop's hands, he himſelf will beſt inform us[l]. From him they devolved to his ſon the late ſir Thomas Burnet; and are now A.D. 1215. 17 *Joh.*

[h] pag. 356.

[i] pag. 1.

[k] This tract was entitled, "Reflections upon the opinions of ſome "modern divines concerning the nature of government in general, and "that of England in particular." 4to. Lond. 1689.

[l] Hiſtory of his own times. pag. 32. "When archbiſhop Laud's impeachment was brought to the lords' bar, "he apprehending how it would end "ſent over Warner biſhop of Rocheſter with the keys of his cloſet and "cabinet, that he might deſtroy or "put out of the way all papers that "might either hurt himſelf or any "body elſe. He was at work for three "hours, till upon Laud's being committed to the black rod a meſſenger "went over to ſeal up his cloſet, who "came after all was withdrawn. Among the writings he took away it "is believed the original *magna charta* "paſſed by king John in the mead "near Stains was one. This was "found among Warner's papers by "his executor; and that deſcended to "his ſon and executor, colonel Lee "who" [by the intervention of M. Geddis, according to the author of the Reflections before mentioned] "gave "it to me. So it is now in my hands; "and it came very fairly to me. For "this conveyance of it we have no"thing but conjecture."

in

A.D. 1215. 17 Joh. in the hands of David Mitchell, esquire, the executor of Sir Thomas; who with the utmost politeness permitted the editor to correct the quarto edition, as it came from the press, by this original.

THE articles are written on parchment, ten inches and three quarters broad, and twenty one inches and an half in length including the fold for receiving the label. To this label, which is also of parchment, is appendant the great seal of king John, of a whitish yellow wax and but little injured by time. It is represented (with the imperfections shaded) in the plate, page 13, and the counterseal in page 37. The articles are thus endorsed in a cotemporary hand, *Articuli magne carte libertatum sub sigillo regis Johannis*; and they are in all respects legible and perfect, except that in section 32 [m] a few letters are

[m] Though the sections are distinguished in the original, yet they are not numbered; but the numeration is added in this edition both to this and the subsequent charters, for the more easy comparing of one with the other, as will be more fully explained in the sequel. The reader is also desired (once for all) to take notice that, in the printing both of this and the rest, the originals have been literally and scrupulously copied even where there was an apparent error; to which, and not to the carelessness of the press, must be attributed such gross faults as *publice* in page 12, *statim* in page 19, *concessissimus* in page 32, and the like. The editor however hath made no scruple to express at full length all such abbreviations in the originals, which are commonly known to those who are conversant in records, or where the terminations of the words were sufficiently ascertained by the grammar and sense of the context. Where they could not be so ascertained he hath left them

worn out by the folding of the original, which are therefore here printed in italic characters. Though the hand is very much alike throughout the whole, yet it seems to be perceivable, that a few parts of it were written at some little interval of time from the rest; particularly after sections 45 and 46, which compose each of them one short line not extending the whole breadth of the parchment, the exception *nisi aliter*, *&c*, is subjoined at the end of them in a more hasty hand, and connected to them by a kind of angular brace, as if added at the instance of the king's commissioners upon more mature deliberation. A.D. 1215. 17 *Joh.*

When these articles were agreed upon and sealed, the next employment seems to have been to reduce them to the form of a charter; of which such a number of originals were made that one was deposited in every county [n], or at least in every diocese [o]. Two, if not three, of these originals are still existing: the two are in the British Museum, lately removed thither with the rest of sir

them abbreviated as he found them, by adding a comma or apostrophe at the end to denote the elision. To this account of the method pursued in this work, with a view to preserve it's accuracy, may be also subjoined, that wherever any record is vouched in these notes, the same has been examined with the rolls at the tower by the editor himself, unless where some other book is expressly referred to as containing it.

[n] R. Coggesh.

[o] Chron. Dunstapl.

Robert

A.D. 1215. 17 Joh. Robert Cotton's invaluable collection, from whence M. Pine's engraved copy was taken; and the third was collated by M. Tyrrel [p] with Matthew Paris's copy about sixty years ago, being then in the archives of the dean and chapter of Salisbury; but, upon diligent enquiry made at that cathedral in April *A.D.* 1759, nothing of this sort could be found [q]. There is also a pretty accurate french translation of this charter among the records of France, probably carried over by prince Louis, which Dachierie has published in his *Spicilegium* [r]. The following edition [s] is carefully printed from M. Pine's engraving of the Cottonian original, with which it has been also compared. The original is in breadth fourteen inches and an half, and in length twenty inches and an half including the fold for the label; and was undoubtedly sealed with the same seal as the articles, but the waxen impression was melted and defaced by the unfortunate fire that happened *A.D.* 1731 [t].

[p] 2 Hist. of Engl. 821. and Append. 9.

[q] This was owing in part to the repairs then making in the library, which had thrown the books and MSS into some disorder: but it is also said, that thirty years ago this charter was missing.

[r] xii. 573.

[s] pag. 15.

[t] The other Cottonian original is much fairer than that under seal, from which M. Pine's engraving was taken; and having been collated, since the quarto edition was published, by the obliging care of the learned doctor Morton, secretary to the royal society, and librarian of the British Museum, the material various readings are inserted in the present edition. Though

&c

A.D. 1215. 17 Joh.

THE tranſpoſition of the parts of this charter, and alſo it's variations from the preceding articles, will be eaſily found by the help of the numerals which the editor has added in the margin [u]. The moſt material alterations and additions are; — in chap. 1, the mention of the former charter for freedom of eccleſiaſtical elections: — in chap. 2, the aſcertaining the reſpective reliefs of heirs: — in chap. 4, the puniſhment of miſbehaviour in ſuch officers as were entruſted by the king with the wardſhips of lands, and were accountable to the crown for the ſame; as contradiſtinguiſhed from thoſe, to whom the king had abſolutely given or ſold ſuch wardſhips: — in chap. 6, the alteration of the directions concerning the marriage of heirs; which in the articles is directed to be done by advice of the relations, but in the charter is ſoftened down to barely giving them notice: — in chap. 13, the confirmation of the liberties of all cities

it has at preſent no ſeal, yet the parchment has three ſlits at the bottom; one larger than the reſt in the middle, and two ſmaller on one ſide of it, through which labels for ſeals have formerly paſſed; which renders it not improbable, that this is the charter mentioned by M. Smith, in his preface to the catalogue of the Cotton MSS, (Oxon. 1695.) which he had formerly ſeen, with the ſeals of ſome of the barons appendant to it.

u The common arabic ciphers mark the ſections of the charter itſelf in numerical order; the roman numeral letters diſtinguiſh the correſponding ſections of the preceding articles, upon which the charter was formed.

and

A.D. 1215. 17 Joh. and boroughs in the kingdom, as well as thoſe of London: — the whole of chap. 14, concerning the manner of ſummoning a general council of the realm to aſſeſs aids and ſcutages: — in chap. 19, the manner of adjourning the determination of writs of aſſiſe: — the whole of chap. 21, concerning the amercements of earls, and barons: — in chap. 26, the ſaving in favour of the reaſonable parts of the widow and children of the deceaſed: — in chap. 27, the ſaving in favour of the debts of inteſtates: — in chap. 35, the aſcertaining of meaſures and weights: — in chap. 41, the proviſion on behalf of alien enemies trading in England: — in chap. 42, the exception againſt priſoners, outlaws, &c: — in chap. 48, the information to be given to the king by the twelve knights, before they ſhould redreſs any grievances of the foreſt: — in chap. 52, the recognition of the king's right to the ſame privileges, in point of civil ſuits, as other cruſaders enjoyed, which in the articles is doubtfully expreſſed; and the abſolute reſpite of ſuch ſuits till he returned from the holy land, inſtead of referring them to the archbiſhop and biſhops: — the whole of chap. 53, concerning the reſpite of deafforeſting the foreſts which were afforeſted by the king's father or brother: — the whole of chap. 54, in reſtraint

reſtraint of the appeals of women: — in chap. 56 and 57, the regulations with regard to the reſtitution of the Welſh whom the king himſelf had diſſeiſed, and the reſpite of thoſe diſſeiſed by his father and brother till his own return from the cruſade: — in chap. 58 and 59, the referring the diſputes concerning the prince of Wales and king of Scots to the judgment of their peers, inſtead of the archbiſhop and the reſt: — in chap. 61, the aſcertaining the time for redreſs of grievances to forty days; and, towards the end, the omiſſion of ſpecifying the pope by name: — in chap. 62, the general pardon: — and the whole of chap. 63, containing the general recognition of liberties, and the mutual oaths of the king and barons. A.D. 1215. 17 Joh.

At the end of this charter mention is made of certain letters teſtimonial, which the archbiſhops, the legate, and others, had framed by the king's command, concerning the liberties and ſecurity thereby granted. A copy of theſe letters reciting the charter at length is entered in the red book of the exchequer at Weſtminſter; which has been carefully collated by the editor, and the various readings of that entry are noted at the bottom of the page.

The

A.D. 1215. 17 Joh.

THE twenty five barons elected by the reſt of the nobility, in purſuance of the charter, to be guardians of the liberties of their country, were theſe: the earls of Clare, Aubermale, Glouceſter, Wincheſter, Hereford, Roger Bigod of Norfolk, and Robert de Veer of Oxford; William Mareſcall [v] the younger, Robert Fitzwalter, Gilbert de Clare, Euſtace de Veſci, the mayor of London, William de Mumbray or Mobray, Geoffrey de Say, Roger de Mumbezon, William de Huntingfeld, Robert de Ros, the conſtable of Cheſter, William de Aubenie, Richard de Perci, William Malet, John Fitzrobert, William de Lanvalay or Lanvaler, Hugh Bigot, and Richard de Muntfichet.

THERE was a circumſtance that attended the making of this charter that has not been

v Matthew Paris makes William Mareſcall the younger an earl, and inſtead of Roger de Mumbezon gives us Roger de Munbray, and for William de Lanvalay ſuſtitutes Robert Delaval: but the names of theſe three barons, as here printed, are extant in the margin of a very antient copy of king John's charter among the Harleian MSS in the Britiſh Muſeum, (num. 746. fol. 64.) which ſeems of the age of king Edward the firſt; and they are alſo mentioned as parties to the convention entered into at Runingmede. (ſee p. 39.) But the name of another of the barons in the Harleian MS, Robert de Boys, not being in that convention, it is here printed Robert de Ros, according to the reading of Matth. Paris; and the rather, becauſe de Ros is a witneſs to the charters of 9 Hen. III. (ſee pag. 89 and 102.)

commonly

commonly, if ever, taken notice of before. The archbishops of Canterbury and Dublin, with other bishops, apprehending that by the generality of the provisions in chap. 48 of the charter the very being of all forests might be endangered, entered a protest; declaring that it was not the intention of the parties that the general words of the charter should extend to abolish such customs of the forests, without the existence of which the forests themselves could not be preserved. This protest is entered on record in the tower of London[w]. *A.D.* 1215. *17 Joh.*

THE mention of these forest-clauses cannot but remind us of what Matthew Paris, or rather Roger Wendover, has so roundly asserted; that king John granted a separate charter containing the immunities of the fo-

[w] *Clauſ. 17 Joh. m. 27. d. et Duplicat. ejuſd. m. 21. d.*

Omnibus Chriſti fidelibus ad quos preſentes littere pervenerint S. Dei gratia Cant' archiepiſcopus totius Anglie primas et ſancte Romane eccleſie cardinalis et H. eadem gratia archiepiſcopus Dublin' W. quoque London' P. Winton' J. Bathon' et Glaſton' H. Lincoln' W. Wygorn' et W. Coventr' ejuſdem gratie dono epiſcopi ſalutem in Domino Cum dominus rex conceſſerit et per cartam ſuam confirmaverit quod omnes male conſuetudines de foreſtis et foreſtariis et eorum miniſtris ſtatim inquirantur in quolibet comitatu per duodecim milites juratos de eodem comitatu qui debent eligi per probos homines ejuſdem comitatus et infra xl dies poſt inquiſitionem factam penitus ita quod nunquam revocentur delcantur per eoſdem dum tamen dominus rex hoc prius ſciat Univerſitati veſtre notum fieri volumus quod articulus iſte ita intellectus fuit ex utraque parte quum de eo tractabatur et expreſſus quod omnes conſuetudines ille remanere debent ſine quibus foreſte ſervari non poſſint et hoc preſentibus litteris proteſtamur.

A.D. 1215. 17 Joh. reſt, becauſe they were too bulky to be comprized in one and the ſame inſtrument with the other liberties. And he has accordingly very formally preſented us with king John's charter of the foreſt, agreeing in all material points with that of his ſon Henry the third; but which, there is reaſon[x] to believe, never had any exiſtence but in the invention of that legendary monk, or elſe in ſome inaccurate regiſter which he copied; in like manner as the great charter, which he has given us, is eſſentially different from the originals in the Britiſh Muſeum and at Saliſbury[y], and from the entry in the red book of the exchequer. For, not to inſiſt on the ſmall ſize of the original charter itſelf[z], there is no clauſe relating to the foreſt in the rough draught or *capitula*, but what is adopted and amplified in the great charter as granted by king John; and ſurely there was ſufficient room in that draught to have inſerted other clauſes, if then in the contemplation of the parties. It is likewiſe remarkable that the king and the pope, in their ſubſequent proceedings relative to this tranſaction, mention one charter only in the ſingular number. And indeed it would have been exceedingly abſurd to have loaded the

x 2 Tyrr. 821.

y *Ibid.* Append. 9.

z See page xxviii.

great

great charter with any clauſes relating to the foreſt, if another diſtinct inſtrument had been then ſealed for the liberties of the foreſt only. We ſhall obſerve too in the ſequel of theſe enquiries, that theſe very clauſes were omitted, and the conſideration of them was expreſsly reſpited, in the firſt charter of king Henry the third; and that they afterwards formed a part of his ſeparate charter of the foreſt, which was ſettled with mature deliberation when the peace of the kingdom was reſtored: which charter of king Henry it is that Roger Wendover has fathered upon king John; though it contains (as will preſently be ſhewn) ſome internal evidence, which makes it almoſt impoſſible to ſuppoſe it older than the time of his ſon. But let us now return to the charter of Runingmede. A.D. 1215. 17 Joh.

THE barons were too ſenſible of the faithleſs temper of their monarch, to truſt only to ſeals and parchment, or even to his ſolemn oath; but demanded alſo a real and ſubſtantial ſecurity for his performance of the articles of the charter; nothing leſs than the cuſtody of the city and tower of London till the 15th of Auguſt then next enſuing, and afterwards till the charter ſhould be carried into execution. To this the king alſo conſented, if

A.D. 1215. 17 Joh. compliance in his circumstances may be called a consent, and the custody was actually delivered [a]. This convention is recorded in the tower, and is here [b] printed immediately from the roll [c].

In this agreement there is notice taken of the writs then issued for choosing the twelve knights, who, according to the tenor of the charter, should abolish the evil customs which prevailed in the forests and other franchises. These writs are on record in the tower [d], bearing date the 19th of June, on which day

a R. Coggesh.

b page 39.

c *Claus.* 17 *Joh. m.* 27. *d.* *et Duplicat. ejusd. m.* 21. *d.*

d *Pat.* 17 *Joh. m.* 23. *d.*

Rex vicecomiti foreſtariis warennariis cuſtodibus ripariarum et omnibus ballivis ſuis in eodem comitatu ſalutem Sciatis pacem firmam eſſe reformatam per Dei gratiam inter nos et barones et liberos homines regni noſtri ſicut audire poteritis et inde per cartam noſtram quam inde fieri fecimus quam etiam legi publice precepimus per totam ballivam veſtram et firmiter teneri Volentes et diſtricte precipientes quod tu vicecomes omnes de balliva tua ſecundum formam carte predicte jurare facias xxv baronibus de quibus mentio fit in carta predicta ad mandatum eorundem vel majoris partis eorum coram ipſis vel illis quos ad hoc atornaverint per literas ſuas patentes et ad diem et locum quos ad hoc faciendum prefixerint dicti barones vel atornati ab eis ad hoc Volumus etiam et precipimus quod xii milites de comitatu tuo qui eligentur de ipſo comitatu in primo comitatu qui tenebitur poſt ſuſceptionem literarum iſtarum in partibus tuis jurent de inquirendis pravis conſuetudinibus tam de vicecomitibus quam eorum miniſtris foreſtis foreſtariis warennis et warenariis ripariis et earum cuſtodibus et eis delendis ſicut in ipſa carta continetur Vos igitur omnes ſicut nos et honorem noſtrum diligitis et pacem regni noſtri omnia in carta contenta inviolabiliter obſervetis et ab omnibus obſervari faciatis ne pro defectu veſtri aut per exceſſum veſtrum pacem regni noſtri quod Deus avertat iterum turbari contingat Et tu vicecomes pacem noſtram per totam ballivam tuam clamari facias et firmiter teneri precipias Et in hujus &c vobis mittimus Teſte meipſo apud Runimed' xix die Junii anno regni noſtri xvijmo.

the

the peace was fully concluded [e], and the king received the homage of his barons. It therefore seems extremely probable, that the several duplicates of the great charter, (of which we are told that one was lodged in every county and bishoprick [f]) though bearing date on Monday the 15th of June, the first day of the congress, were not completed and sealed till Friday the 19th; and then, having obtained the security which they so long had desired, the barons renewed their professions of duty by doing homage to their sovereign, *A.D.* 1215. 17 *Joh.*

[e] The chronicle of Dunstaple expressly fixes the day of SS. Gervasius and Protasius, or 19th of June, for the day of completing the peace; and the following writ of the king himself, directed to the leaders of his own forces, states the peace to have been concluded on the Friday after Trinity Sunday, which was also the 19th of June, though by some oversight the writ itself is tested on the 18th; possibly by the clerk's mistaking a *v* for an *x*, (*xviij* for *xxiij*) since the writ entered immediately before it on the roll is tested on the 23d of June. See note (k) below.

Pat. 17 *Joh. m.* 23. *n.* 111.

Rex Stephano Harengod &c Sciatis quod firma pax facta est per Dei gratiam inter nos et barones nostros die Veneris proxima post festum sancte Trinitatis apud Runemed' prope Stanes ita quod eorum homagia eodem die ibidem cepimus Unde vobis mandamus firmiter precipientes quod sicut nos et honorem nostrum diligitis et pacem regni nostri ne ulterius turbetur quod nullum malum de cetero faciatis baronibus nostris vel aliis vel fieri permittatis occasione discordie prius orte inter nos et eos Mandamus etiam vobis quod de finibus et tenseriis nobis factis occasione illius discordie si quid superest reddendum ultra predictam diem Veneris nichil capiatis Et si quid post illum diem Veneris cepistis illud statim reddatis Et corpora prisonum et obsidum captorum et detentorum occasione hujusmodi guerre vel finium vel tenseriarum predictarum sine dilatione deliberetis Hec omnia predicta sicut corpus nostrum diligitis faciatis Et in hujus &c vobis mittimus Teste meipso apud Runemed' xviij die Junii anno regni nostri xvij°.

The *tenseriae* here spoken of were a kind of tax or military contribution; and are twice mentioned as such by Matth. Paris, in his life of William the twenty second abbot of S. Albans.

[f] R. Coggesh. Chron. Dunstapl.

after

A.D. 1215. 17 Joh. after which the assembly was dissolved. But though the barons did not scruple to give the king this outward token of their allegiance, yet they somewhat unaccountably refused to certify it under their seals [g], which could not but raise some suspicions and jealousies in the king. He however proceeded to perform his part of the agreement with great apparent sincerity: he continued encamped at Runingmede till Tuesday the 23[d] of June; and there not only issued writs to his english officers to put a stop to all farther hostilities, to set at liberty the prisoners, and to levy no farther contributions [h], but also sent directions to Hugh de Bova, a french exile [i] and one of his foreign captains, to convey his mercenary forces home

g This appears from a protest of the prelates entered on the rolls in the tower:

Pat. 17 Joh. m. 21. d.

Omnibus Christi fidelibus &c Stephanus Dei gratia Cant' archiepiscopus totius Anglie primas et sancte Romane ecclesie cardinalis Henricus Dublin' archiepiscopus Willielmus London' Petrus Winton' Joscelinus Bathon' et Glaston' Hugo Lincoln' Walterus Wigornienſis Willielmus Coventr' Ricardus Ciceſtr' episcopi et magister Pandulfus domini pape subdiaconus et familiaris salutem Noverit universitas vestra quod quando facta fuit pax inter dominum regem Johannem et barones Anglie de discordia inter eos orta idem barones nobis presentibus et audientibus promiserunt domino regi quod quamcunque securitatem habere vellet ab eis de pace illa observanda ipsi ei habere facerent preter castella et obsides Postea vero quando dominus rex petiit ab eis ut talem cartam ei facerent Omnibus &c Sciatis nos astrictos esse per sacrament' et homagia domino nostro Johanni regi Anglie de fide ei servanda de vita et menbris et terreno honore suo contra omnes homines qui vivere possint et mori et ad jura sua et heredum suorum et ad regnum suum custodiendum et defendendum *ipsi id facere noluerunt Et in hujus rei testimonium id ipsum per hoc scriptum protestamur.*

h See note (e) immediately preceding.

i R. Coggesh,

to

to their respective countries [k]. After this he retired first to Odiham and then to Winchester; where, by the advice of archbishop Langton and the barons, he on Saturday the 27th of June issued out writs to all the sheriffs in England, and to the twelve knights elected in every county, directing them to compel all persons to take the oath of obedience to the twenty five barons, which the charter had prescribed; and, in default thereof, to seise their lands, tenements, and chattels into the king's hands, and to convert the latter into money towards the relief of the holy land [l]. A.D. 1215. 17 Joh.

[k] *Pat.* 17 *Joh. m.* 23. *n.* 110.

Rex Hugoni de Bova salutem Mandamus vobis quod in fide qua nobis tenemini non retineatis aliquem de militibus vel servientibus qui fuerunt apud Dover' sed in patriam suam in pace sine dilatione ire faciatis Et in hujus &c T. meipso apud Runimed' xxiij die Junii anno regni nostri xvij^mo.

[l] *Pat.* 17 *Joh. m.* 21. *n.* 105.

Rex vicecomiti Warewic' et duodecim militibus electis in eodem comitatu ad inquirendum et delendum pravas consuetudines de vicecomitibus et eorum ministris forestis et forestariis warennis et warennariis ripariis et earum custodibus salutem Mandamus vobis quod statim et sine dilatione saisiatis in manum nostram terras et tenementa et catalla omnium illorum de comitatu Warewic' qui jurare contradixerint viginti quinque baronibus secundum formam contentam in carta nostra de libertatibus vel eis quos ad hoc atornaverint Et si jurare noluerint statim post quindecim dies completos preterquam terre et tenementa et catalla eorum in manu nostra saisita saisita fuerint omnia catalla sua vendi faciatis et denarios inde perceptos salvo custodiatis deputandos subsidio terre sancte Terras autem et tenementa eorum in manu nostra teneatis quousque juraverint Et hoc provisum est per judicium domini Cant' archiepiscopi et baronum regni nostri Et in hujus &c Teste meipso apud Winton' xxvij die Junii a. r. n. xvij^mo.

Idem mandatum est omnibus vicecomitibus Anglie.

At the end of the great charter in Dachierie's *Spicilegium* before mentioned (xii. 573.) there is a french translation of one of these writs, directed to the sheriff of *Suthantesire*, and dated *Odibaam, (i. e.* Odiham) *le vint et septain jor de Juig lan de nostre regne dis et septain*.

But

A.D. 1215. 17 Joh.

BUT the king, who appears at first view of these concessions to have surrendered at discretion to his barons, in reality only dissembled, in order to gain time to deceive them. Before the congress at Runingmede he had written to the pope an account of the straits to which he was reduced; and immediately afterwards (as may be collected from the event) he dispatched a messenger to Rome with a copy of the charter which he had granted. Pope Innocent was not of a temper to put up with any slight on his authority, which the whole of this transaction (considering the former applications of both parties to the holy see) appears very evidently to have been. He therefore on the 24th of August issued out a thundering bulle [m], which vacated

[m] This bulle, which is very long, states the former reconciliation of king John to the holy see; his surrender of his kingdoms, and becoming a vasal to the pope; his taking the cross for the holy land; the pope's late interposition as mediator; the king's offer of a compromise; the obstinacy of the barons; and the supineness of the bishops; and that therefore the king had been compelled to enter into a base and vile composition, to the great derogation of his rights and the honour of his crown; and then proceeds in these words: *Quia vero nobis a Domino dictum est in propheta "Constitui te super gentes et regna ut evellas et destruas edifices et plantes" itemque per alium prophetam "Dissolve colligationes impietatis solve "fasciculos deprimentes". Nos tante malignitatis audaciam dissimulare nolentes in apostolice sedis contemptum regalis juris dispendium Anglicane gentis opprobrium et grave periculum totius negotii Crucifixi quod ubique immineret nisi per authoritatem nostram revocarentur omnia que a tanto principe cruce signato taliter sunt extorta et ipso volente ea servare ex parte Dei omnipotentis patris et filii et spiritus sancti authoritate quoque apostolorum ejus Petri et Pauli ac nostra de communi fratrum nostrorum consilio compositionem hujusmodi*

the whole charter as unjuſt and obtained by compulſion, and prohibited the king to obſerve it or his barons to require ſuch obſervance. This determination of the holy father was eagerly embraced by the king and his adherents; who now thought themſelves releaſed (ſuch was the logic, and ſuch the religion of the times) from every engagement into which they had entered, and empowered to trample on thoſe liberties which they had ſolemnly ſworn to maintain. A.D. 1215. 17 Joh.

THE ſubſequent proceedings of the king and his barons being foreign to the purpoſe of this diſcourſe, (which is only to trace the hiſtory and progreſs of the charters) it may ſuffice to obſerve in brief, that, the barons ſtill proving refractory, the pope excommunicated them, firſt generally, and afterwards ſpecially by name, as being worſe than the Saracens themſelves in obſtructing the king's expedition to the holy land: that the king hired a body of foreign troops, and gained ſuch advantages over his barons, that they

juſmodi reprobamus penitus et damnamus ſub intermination anathematis prohibentes ne dictus rex eam obſervare preſumat aut barones cum complicibus ſuis ipſam exigant obſervari tam cartam quam obligationes ſeu cautiones quecunque pro ipſa vel de ipſa ſunt facte irritantes penitus et caſſantes ut nullo unquam tempore aliquam habeant firmitatem Datam Anagnie nono calendas Septembris pontificatus noſtri decimo octavo. 1 Rym. 204. 2 Pryn. 342.

had

A.D. 1216. 18 Joh. had recourſe to the deſperate expedient of calling over Louis, the eldeſt ſon of king Philip the ſecond of France, to accept their allegiance: that he according landed in England on the 21st of May 1216, and reduced king John to great difficulties: but that in the midſt of theſe commotions the king died unexpectedly on the 19th of October at Newark; from whence his body was carried to Worceſter, and there interred.

1 Hen. III. His ſon Henry the third, being then only nine years old, was on the 28th of the ſame month crowned at Glouceſter by Gualo the pope's legate, in the preſence of a few ſpiritual and temporal lords who adhered to him. Among theſe the principal was William Mareſcall earl of Pembroke, who was ſoon after [n] made guardian or protector of the king and kingdom, and immediately ſummoned a great council to meet at Briſtol on the 11th of November [o], being the feſtival of S. Martin. At this council a vaſt concourſe of the prelates, nobility, and others attended; and there the legate abſolved them all from their

[n] M. Carte aſſerts, (2 Hiſt. 2, 3.) that he did not aſſume this title till the 29th of November, or thereabouts; but the contrary is evident from the cloſe of the great charter granted at Briſtol, (ſee page 55) wherein he is ſo ſtiled on the 12th.

[o] 1 Leland. *Collectan.* 535. Ann. Waverl. Rob. Glouc.

allegiance

allegiance to prince Louis, and made them swear fealty to king Henry: and the next day, being the 12th of November, the king by the advice of his council renewed the great charter which was granted by his father, with such alterations and amendments as the circumstances of the times had made necessary [p]. *A.D.1216, 1 Hen.III.*

[p] An authentic account of all these transactions is preserved upon record, in a letter from the king to the chief justiciary of Ireland, of which the following is a faithful copy:

Claus. 1 Hen.III. m.14. d. et m.25. d.

Rex G. de Marisc' justiciario suo Hibernie salutem Multiplices vobis gratiarum referimus actiones de bono et fideli servicio vestro felicis memorie J. quondam regi Anglie patri nostro exhibito nobisque exhibendo et de hiis que per fidelem nostrum Radulfum de Norwic' clericum nobis significastis Cum igitur jubente ipso cujus famulantur imperio mors et vita dominus et pater noster ex hac luce feliciter migraverit cujus anima in celestibus collocetur vos scire volumus quod celebratis solempniter ex more debito regalibus exequiis in ecclesia beate Marie Wygorn' convenerunt apud Glouc' plures regni nostri magnates episcopi abbates comites et barones qui patri nostro viventi semper astiterunt fideliter et devote et alii quamplurimi ubi in festo apostolorum Simonis et Jude in ecclesia beati Petri Glouc' applaudentibus clero et populo per manus domini G. titulo sancti Martini presbyteri cardinalis et apostolice sedis legati in Anglia et episcoporum tunc presentium invocata Spiritus sancti gratia puplice fuimus in regem Anglie inuncti et coronati fidelitate et homagio omnium illorum nobis exhibitis Quod vobis ut fideli nostro duximus intimandum ut de honore et successu nostro felici gloriemini Sane cum audierimus indignationem quandam inter memoratum dominum patrem nostrum et quosdam nobiles regni nostri exortam utrum cum causa vel sine causa nos nescimus sic agitatam extitisse et illam volumus imperpetuum aboleri et oblivisci quod nunquam menti nostre adhereat et ut cessante causa cesset effectus quicquid exiterit erga ipsum concepte indignationis parati sumus et volumus pro viribus nostris expiare singulis prebendo quod ratio dictaverit cum subditorum consilio et deletis de regno pravis consuetudinibus in libertatum et liberarum consuetudinum innovatione dies nobilium patrum nostrorum reformare gratiosos unicuique tribuendo quod sibi debebit cum ratione competere Ad hoc sciatis quod celebrato nuper concilio apud Bristoll' ubi convenerunt universi Anglie prelati tam episcopi abbates quam priores et multi tam comites quam barones qui etiam universaliter fidelitatem nobis puplice facientes concessis eis libertatibus et liberis consuetudinibus ab eis prius postulatis et ipsis approbatis prompti et proni ad mandatum nostrum in partes suas cum gaudio sunt reversi Speramus quidem et in Domino confidimus quod

A.D. 1216. 1 Hen. III.

It is somewhat surprizing that none of our historians, antiquarians, or lawyers, that have fallen within the editor's observation, should take any notice of this charter; except M. Tyrrel and M. Prynne, the former of whom seems to have had some imperfect notion that such a one was at this time granted, though he sometimes confounds it with that of king John, and at other times with the second charter granted by this king in the succeeding year [q]; and the latter once casually refers by a marginal note [r] to a great charter granted in the first year of Henry the third. But its existence will not bear a dispute, since it is not only clearly referred to in the record just cited in the notes, but the original itself is luckily preserved in the archives of the cathedral at Durham, from which the following copy is taken [s].

quod regni nostri status divina faciente clementia in melius commutabitur De domina regina matre nostra vel fratre nostro mittendis in Hiberniam vobis respondemus quod habito consilio fidelium nostrorum et assensu quod nobis et commodo nostro et regni nostri expedire viderimus faciemus Rogamus igitur dilectionem vestram quatinus et si bone memorie J. patri nostro fideles extiteritis et devoti tanto nobis fideliores existere curetis quanto scitis nos auxilio et consilio vestro in hac toneritate nostra plurimum indigere cupientes fidelitatem de singulis Hibernie magnatibus et aliis qui nobis ipsam facere tenentur Retinuimus adhuc nobiscum Radulfum de Norwic' ut de hiis et aliis per ipsum voluntatem nostram plenius vobis significemus Volentes ut eisdem vos et ceteri fideles nostri Hibernie gaudeatis libertatibus quas fidelibus nostris de regno Anglie concessimus et illas vobis concedemus et confirmabimus Teste &c.

[q] 2 Tyrr. 828, 1103, 1117. Append. 21. 3 Tyrr. Append. 17.

[r] 3 Rec. 94.

[s] See page 42. The editor is obliged to doctor Dickens, prebendary of that church, and royal professor of Greek in the university of Oxford, and also to M. Bowlby the chapter-clerk, for their kind assistance in carefully collating his copy with the original at Durham.

THE

A.D. 1216. 1 Hen. III.

THE charter itſelf is in breadth ſeventeen inches, and in length from top to bottom ſomewhat more than ſixteen. It has two endorſements upon it: the one, *Magna carta Henrici regis iij*; the other, *Carta Henrici regis de libertatibus conceſſis hominibus regni ſuis*. It was ſealed, as itſelf informs us, with the ſeals of Gualo the legate and William earl of Pembroke; king John's great ſeal having been loſt in paſſing the waſhes of Lincolnſhire, and no new ſeal being made for king Henry till two years after [t]. The labels remain to which theſe ſeals were affixed, but the impreſſions themſelves are unfortunately loſt.

THE variations between this and the great charter of king John are very conſiderable, and may be exactly found by comparing the ſeveral ſections of each, according to the numeration which the editor has added in the margin [u]. The following are the moſt remarkable: — in chap. 1, the not mentioning

[t] It has not, even in later times, been altogether unuſual for the ſucceſſor to defer for a while the making of a new great ſeal, and in the interim to uſe his predeceſſor's. The editor has met with a patent of Richard Cromwell, dated the 18th of November 1658, (eleven weeks after his protectorſhip commenced) which was ſealed with Oliver's ſeal.

[u] In this inſtance, as in the former, the ciphers denote the ſections of the charter before us in their own numerical order; the numeral letters diſtinguiſh the correſpondent ſections in king John's charter.

the

A.D. 1216. 1 Hen. III. the charter concerning eccleſiaſtical elections: — in chap. 3, the additions concerning the duration and the right of wardſhip: — in chap. 5, the indulgence to guardians, by only directing them to deliver up the land to their wards (when of age) in as good condition as they found it, not in as good as it would bear; and the extenſion of the ſame rule to the cuſtody of the temporalties of church-preferments: — in chap. 6, the ſtill farther encreaſe of the power of the lords with reſpect to the marriage of their wards, by making it no longer neceſſary even to apprize their relations of the intended marriage, but only in general prohibiting the diſparagement of the heir: — in chap. 7, the farther proviſions on behalf of widows claiming dower: — in chap. 9, the putting unwilling debtors upon the ſame footing, with reſpect to the remedy of their creditors, with thoſe that are actually inſolvent: — and, immediately after, the total omiſſion of three chapters of king John's charter, (x, xi, xii,) concerning debts to Jews, ſcutages, and aids: alſo the omiſſion of two others, (xiv, xv,) concerning the manner and reaſons of levying ſuch aids and ſcutages; and of another, (xxv,) concerning the farming of counties, hundreds, &c; and again, of another, (xxvii,) concerning the diſpoſition

disposition of intestates estates: — in chap. 21 of king Henry's charter, the fixing a stated time wherein constables keeping castle-guard should pay for the provisions, &c, taken up for their use: — in chap. 23, the reducing to a certainty the hire of carriages taken by the king's purveyors: — the omission of another chapter of king John's charter, (xlii,) concerning the general leave which was therein given to depart from or return to the realm; and of another, (xlv,) concerning the making of judges and other officers out of such only, as were skilled in the law of the land and desirous to observe it; and of another, (xlviii,) concerning the abolition of evil customs relating to forests, warrens, sheriffs, and rivers: — the omission of six more, (xlix, l, li, lii, liii, lv,) concerning the re-delivery of hostages, the sending home the foreign mercenaries, the restitution of such english subjects as had been disseised or eloigned by king John, or his father, or brother, the respite of de-afforesting the new forests, the settling certain disputed wardships of lands and religious houses, and the adjusting certain arbitrary fines and amercements; all which were in some measure of a personal nature, and related principally to king John himself: — the omission of three others, (lvii, lviii, lix,) concerning the

A.D. 1216. 1 Hen. III.

A.D. 1216. 1 Hen. III. the reſtitution of the welſh ſubjects diſſeiſed or eloigned by king Henry the ſecond and king Richard the firſt, the matters of Lewelin prince of Wales, and Alexander king of Scotland; which were temporary clauſes, and therefore improper to be renewed: — the omiſſion of three more, (lxi, lxii, lxiii,) concerning the election and powers of the twenty five barons, &c; which was probably occaſioned by a conviction how derogatory from the rights of the crown that ſingular proviſion was, and how unneceſſary to be renewed in regard to a young prince, of whom there was yet no reaſon to be jealous: — and, laſtly, the addition of chap. 42 in king Henry's charter, which firſt takes notice of almoſt all the omiſſions of a general nature above ſpecified, excepting thoſe for which ſome particular reaſon has been here aſſigned, and thoſe relating to inteſtacy and the making of judges, which are paſſed over in total ſilence; and then ſtates the agreement of the prelates and barons to reſpite theſe matters of a weighty and dubious nature, till fuller deliberation could be had. This reſpite may be conſidered as a kind of an engagement on behalf of the infant king, that theſe articles ſhould be reviewed, and a new charter granted, whenever the public tranquility was reſtored.

As

A.D. 1216. 1 Hen. III.

As soon as this charter was completed, we find the protector extremely active in inviting the absent nobility to return to their allegiance, with a promise of absolution for what was past [w]; since, however the king's father might have offended, the young prince (in whose name those letters were in general issued) was certainly innocent of any crime [x]. And on the 6th of February following a duplicate of the same charter was transmitted to Ireland, under the seals of the legate and protector [y], for the benefit of the king's

[w] *Pat.* 1 *Hen. III. m.* 12. *d.* extant in 1 Rym. 216, and Harl. MSS. numb. 86.

[x] —*Licet bone memorie Johannes pater noster in aliquo erga vos deliquerit ipsius delicti debemus esse immunes nec delictum suum aliquatenus nobis debet imputari* —*Teste comite xviij die Novembris. Pat.* 1 *Hen. III. m.* 16. cited in 1 Brad. Append. 166.

[y] *Pat.* 1 *Hen. III. m.* 13.

Rex archiepiscopis episcopis abbatibus comitibus baronibus militibus et libere tenentibus et omnibus fidelibus suis per Hiberniam constitutis salutem Fidelitatem vestram in Domino commendantes quam domino patri nostro semper exhibuistis et nobis estis diebus nostris exhibituri volumus quod in signum fidelitatis vestre tam preclare tam insignis libertatibus regno nostro Anglie a patre et nobis concessis de gratia nostra et dono in regno nostro Hibernie gaudeatis vos et vestri heredes in perpetuum Quas distincte in scriptum redactas de communi consilio omnium fidelium nostrorum vobis mittimus signatas sigillis domini nostri G. apostolice sedis legati et fidelis nostri comitis W. Mareschi rectoris nostri et regni nostri quia sigillum nondum habuimus easdem processu temporis de majori consilio proprio sigillo signaturi Teste apud Glocestr vj die Februarii.

In like manner the charters of 9 Hen. III. were sent to Ireland; as is conjectured from a letter to king Henry by the archbishop of Dublin, (3 Pryn. 64.) which mentions *cartam vestram ad partes Hibernie nuper transmissam in qua non solum ecclesiis et ecclesiasticis viris set omnibus secularibus et mundanis antiquas debitas et consuetas libertates concessistis et confirmastis.* This letter M. Prynne takes to have been written about the 9 Hen. III: yet as it has no date, and *cartam* is here spoken of in the singular number only, it is possible that this may refer to the transmission of the charter now before us.

A.D.1216. 1 Hen. III. faithful subjects there; with some few alterations which the local necessities of that island required. The original of this irish charter is not perhaps now extant; but there is an antient entry of it in the red book of the exchequer at Dublin, which M. Tyrrel appears to have been in some degree acquainted with [z], and of which the various readings are given at the bottom of the page in the following edition [a].

A.D.1217. On the 23d of June following writs were issued to the several sheriffs in England, commanding them to cause the charter of liberties to be publickly read in full county-court, and to see that the liberties therein contained were firmly observed in their bailiwicks. The inaccuracy with which these writs are entered on the roll might occasion a doubt, (if the contrary were not extremely clear) whether Henry did not also at this time grant a char-

z 2 Hist. of Engl. 828. 3 Hist. of Engl. Append. 17.

a The copy of this entry was taken and transmitted to the editor by the kind assistance of doctor Lyon prebendary of S. Patrick's, and doctor Fletcher rector of S. Mary's, Dublin. It may seem somewhat singular, that, both in the original at Durham and this entry at Dublin, a blank should be left for the christian names of two of the bishops (of S. David's and Bangor) who were present at the granting of this charter. But as the scribe was probably an Englishman, and the names of the prelates were pure Welsh, Jorwerth being then bishop of S. David's, and Cadwgan bishop of Bangor, (Godw. *de Praesul.* edit. Richardson.) it may in some sort account for the omission.

ter

ter of the foreſt, as well as a great charter of liberties; for they ſpeak, in the beginning, of charters in the plural number, though, toward the end, of only one charter in the ſingular [b]. *A.D.* 1217. 1 *Hen. III.*

IT is not to our purpoſe to recount the other tranſactions of this ſummer, whereof our hiſtories in general are full. We have only to remark, that prince Louis, after a ſeries of ill ſucceſs, was conſtrained to make peace with king Henry; and to that purpoſe a congreſs was held in a little iſland of the Thames adjoining to Kingſton in Surry on the 11th of September [c]. This congreſs was probably not finiſhed till the 13th, being Holyrood-eve, which Matthew of Weſtminſter and Ralph of Coggeſhale have fixed for the time of concluding the treaty. The articles of peace (dated on the 11th of September at Lameth) are extant in the collections of Rymer [d], Dachierie [e], and alſo of Martene and Durand, whoſe copy conſiderably differs from

[b] *Clauſ.* 1 *Hen. III. m.* 10. *d. Rex vicecomiti Wigorn' ſalutem Precipimus tibi quod die et loco comitatui tui legi facias cartas libertatum quas baronibus et omnibus aliis de regno noſtro per commune concilium regni noſtri conceſſimus et quam dominus legatus ſigillo ſuo confirmavit et libertates in carta ipſa contentas omnibus fidelibus noſtris firmiter facias obſervari in balliva tua Quia vero nondum &c Teſte comite apud Certes' xxiij die Junii.*

[c] *Liber de antiqu. leg. London.* 38. *b.*

[d] 1 *Foed.* 221.

[e] 20 *Sept. apud Lamech.* 9 *Spicil.* 171.

A.D. 1217. 1 Hen. III. the others; particularly in the insertion of this remarkable article; that prince Louis should restore to the king, among other writings and records, the charters of liberties granted by king John [f]. These writings and records had probably been placed in his hands by the discontented barons; nor is it an extravagant conjecture to suppose, that the *capitula* of king John's charter were among them, and that, as this transaction was brought to a period at Lambeth, they thence came to be deposited in the archiepiscopal library there.

It is observable that in this treaty, of the 11th of September, there does not appear to have been any oath or engagement on the part of the king to confirm the charter of his father; which most of the monastic writers have stated as a principal part of it, probably confounding this with the ensuing congress which was held on the 23d. For, the treaty of peace being ratified, the king on the 14th of September granted letters of protection and safeconduct to prince Louis dated at Kingeston [g], and others on the 19th to his

[f] *Item dominus Lodovicus reddat domino regi rotulos de scacario, cartas Judeorum, et cartas factas de libertatibus tempore regis Johannis a P. Rumougrend,* [perhaps, *ad Pratum Runingmed'*] *et omnia alia scripta de scacario quod habet bona fide.* 1 *Thesaur. nov. Anecdot.* 858.

[g] *Pat.* 1 *Hen. III. n.* 8. *m.* 3. printed in 1 Rym. 222.

adherents

adherents dated at Mereton [h], in Surry. At the latter of which places the manuſcript chronicle of the city of London [i] informs us that a ſecond congreſs was held on the 23d of September, at which were preſent the legate, prince Louis, almoſt all the nobility of England, the count of Bretagne, and many others of the French; that king Henry there granted to his ſubjects a new charter of liberties with ſeveral additions and improvements, which was then ſealed with the ſeals of the legate and William Mareſcall the elder, but was afterwards renewed and ſealed with the king's own ſeal in the ninth year of his reign; and that at the ſame time the king granted alſo a charter of the foreſt; for which two charters

A.D. 1217. 1 Hen. III.

[h] *Pat.* 1 *Hen. III m.* 3. *ibid.*

[i] This chronicle is preſerved at the townclerk's office in a book entitled *Liber de antiquis legibus*; which (in fol. 38. b.) has the following paſſage; *A. D. MCCXVII iij idus Septembris facta eſt pax &c apud Kingſton Poſtea ix kal. Octobris venerunt apud Merton dominus legatus dominus Lodewycus et omnes fere magnates Anglie comes Brit' et multi alii de Francia ubi eſt firmata eſt pax inter ipſos Dominus vero rex Anglie conceſſit et carta ſua confirmavit omnibus liberis hominibus regni ſui omnes libertates et liberas conſuetudines quas habuerunt tempore predeceſſorum ſuorum regum Anglie cum augmentatione aliarum libertatum in predicta carta contentarum Que quidem carta quia dominus rex nullum proprium ſigillum tunc temporis habuit propter minorem etatem ſigillata fuit ſigillo predicti legati et ſigillo Willielmi Mareſcalli Anglie ſenioris rectoris predicti regis et regni ſui Dicta vero carta poſtea anno regni predicti regis nono fuit renovata et ſigillo ſuo proprio ſigillata Et tunc temporis idem rex fecit eis cartam de foreſta per quam multum fuerunt alleviati de gravamine et moleſtia Nam antea qui libet homo pro una fera capta fuit oculis vel vita privatus qui poſtea pro tali tranſgreſſione fuerunt tantummodo incarcerati et graviter redempti Pro predictis vero cartis dedit univerſitas regni Anglie tam clerici quam laici dicto regi quintam decimam partem omnium mobilium ſuorum.*

the

A.D. 1217. 1 Hen. III. the whole kingdom gave him a fifteenth part of their moveables.

NEW as this account may appear and unnoticed by all our hiſtorians, except very imperfectly by Tyrrel [k], it is however inconteſtably confirmed by the original charter itſelf now preſerved in the Bodleian library at Oxford; from which the following copy [l] is very carefully and exactly printed. This charter is in breadth ſeventeen inches, and in length (including the fold for the label) twenty three. It has the following endorſement on it in a cotemporary hand, *Magna Carta Caps. xiiij de Lanc. te.* which ſeems to have been a mark denoting the capſule or drawer, wherein it was depoſited at the abbey of Glouceſter, to which religious houſe it is thought to have once belonged. In a ſomewhat later but very antient hand it is alſo thus endorſed, *Carta H. regis de libertatibus magne carte H. reg. avi noſtri. Regiſtratur W at.* There ſtill remain affixed to it by parchment labels the ſeals of Gualo the legate and William Mareſcall earl of Pembroke, the former in white wax, the latter in green; both which are exhibited with

[k] 2 Hiſt. of Engl, 828. [l] page 56.

their

their ſeveral imperfections in the plate, page 71 [m]. *A.D.1217. 1 Hen.III.*

THE variations of this charter from the preceding one, of the 12th of November 1216, will be found in the ſame manner as before; by comparing the ſeveral ſections or chapters, which are marked with ciphers in numerical order, with the correſponding ſections of the other, referred to by the numeral

[m] This invaluable piece of antiquity was bequeathed (among others) to the univerſity of Oxford by the late reverend Richard Furney, M. A. archdeacon of Surry. And it were much to be wiſhed that all gentlemen, who are poſſeſſed of ſimilar curioſities, would follow ſo laudable an example, by placing them in ſome public repoſitary. The collecting and hoarding of antiquities, which, when confined to private amuſement and ſelf-ſatisfaction only, are too juſtly the object of ridicule, would then be of ſingular advantage to the public. However, we may congratulate the preſent age on the proſpect there is of ſeeing the paths to theſe hidden treaſures made ſufficiently eaſy and commodious, not only by the immenſe fund of antient learning which the wiſdom of the legiſlature has amaſſed together and depoſited in the Britiſh Muſeum; but alſo by a plan which has long employed the attention of the noble and honourable truſtees of the Radcliffe library in Oxford, for transferring to that auguſt edifice all the MSS which are at preſent the property of the univerſity, and appropriating it for the future to the reception of MSS only: a deſign, which will exhibit in one view, and preſerve with the utmoſt ſecurity, that ineſtimable treaſure which now lies inconveniently diſperſed; will give room for the daily acceſſions of printed books to the Bodleian library; will perpetuate, by a proper arrangement, the memory of former benefactors to letters, and be the means of exciting new ones; and will in the end do the higheſt honour to the name of the munificent founder, by ſtamping a peculiar and moſt uſeful character of its own on that noble ſtructure, which it ever muſt want if conſidered only as a ſupplement to former libraries. How far this plan will be adopted, is not hitherto fully determined; yet it cannot but ſeem an auſpicious omen, that the ample firſt-fruits of doctor Radcliffe's endowment have been lately applied with the utmoſt propriety to the purchaſe of M. Fraſer's very curious and numerous collection of oriental MSS.

letters.

A.D. 1217. 1 Hen. III. letters. The principal are these: — in chap. 7, the additional clauses allowing widows to remain in the capital messuage, and to have their estovers, during their quarentine; and fixing their dower in general to be the third part of their husband's lands: — in chap. 13, the omission of assises of *darrein presentment*, the leaving indefinite the number of the knights and the justices of assise, the abolishing the election of the former, and the reducing the times of taking assises to once in every year: — in chap. 14, the total change of the manner of determining such assises as remained undecided beyond the stated time, either by referring them to the justices themselves in other parts of their eyre or circuit, or in cases of difficulty by adjourning them into bank: — in chap. 15, the confining assises of *darrein presentment* to be taken in bank only: — in chap. 16, the distinction between the amercement of the king's villeins and those of other lords: — in chap. 18, the more clear and express definition of ecclesiastical privilege with respect to amercements: — the addition of chap. 20, concerning the defence or appropriation of rivers: — in chap. 22, the omission of the reasonable parts of the children; unless (as is probable) that omission must be charged on the scribe, and not on the makers of the charter:

charter: — in chap. 23, the allowing forty days, inſtead of three weeks, for the payments to be made by conſtables keeping caſtleguard: — in chap. 24, the confining the exemption of knights in the king's army, from the duty of caſtleguard, to be only in reſpect of thoſe fees for which they do actual ſervice: — the addition of chap. 26, which privileges the carriages of eccleſiaſtics, knights, and ladies: — in chap. 34, the diſtinction between *lex manifeſta* and *juramentum*: — in chap. 35, the more ample proviſion againſt unlawful diſſeiſins: — in chap. 38, the additional ſecurity againſt the claim of eſcheats and wardſhips, by reaſon of tenure under baronies eſcheated to the crown: — the omiſſion of the two foreſt clauſes, (xxxvi, xxxviii,) remaining in the former charter of the 12th of November: — the addition of chap. 39 in the preſent charter, againſt alienations in prejudice of the ſervices due to ſuperior lords: — in chap. 40, the allowing the cuſtody of vacant abbeys not only to the founders of them, but alſo to other patrons: — the omiſſion of a clauſe, (xl,) of the former charter concerning the diſſeiſins of the Welſh: — the total addition of chap. 42, 43, and 44, in the preſent charter, concerning the holding of county courts, ſheriff's tourns, and views of frank-pledge, alienations

A.D. 1217. 1 Hen. III.

in

A.D. 1217. 1 Hen. III. in mortmain, and levying of ſcutages: — the omiſſion of the reſpiting clauſe, (xlii,) in the former charter; proviſion being made in this and the charter of the foreſt for the ſeveral articles then reſpited, except the debts to the Jews, and the liberty of paſſing and repaſſing into and out of the kingdom: — the addition of chap. 46 in the preſent charter, containing the general ſaving of liberties; and, laſtly, of chap. 47, containing the very remarkable proviſion for demoliſhing all the adulterine caſtles built ſince the commencement of the barons' wars.

WALTER Hemingford in his chronicle, *A. D.* 1224, has given us the two charters of the 9th of Henry the third, with the preamble of that now before us, ſtating them to be granted by the advice of the legate, the earl of Pembroke, and others: — thus confounding the two ſets of charters together, which is a ſpecies of inaccuracy very frequent in the monkiſh hiſtorians, or in the regiſters of thoſe abbeys from whence they drew their materials. But there is a much more exact and authentic entry of the great charter now granted, written by a cotemporary hand in a very antient book preſerved in the town-clerk's office at London, entitled *Capitula laudum et nobilitatum*

tum insule Britannie[n], but more usually known there by the name of *Liber custumarum et regum antiquorum*. The charter is therein stiled, *Carta regis H. de libertate Angl'*; and it's various readings, which appeared on collation with the Oxford original, are inserted at the foot of the page in the following edition. *A.D.* 1217. 1 *Hen. III.*

THERE is unfortunately no date either to the Oxford original, or the entry in the book at Guildhall; and there is the like omission in a very fair copy of it extant in the public library at Cambridge[o]; in another very antient one in the library of C. C. C. in that university[p]; and in a french translation of the same, in a cotemporary hand, in the library of Trinity college there[q]. This raises some uncertainty with regard to the exact time of granting it; and our historians have rather encreased than removed the difficulty. The chronicle of London before cited fixes it to the 23[d] of September, *A. D.* 1217: the annals of Waverley tell us that after Michaelmas, *A. D.* 1218, the council met at London, and renewed the charter of king John, under the seals of the legate, William Mareschall,

[n] fol. 27. b.
[o] Ll. 1. 19.
[p] D. 1.
[q] O. 1. 76.

and

A.D. 1217. *1 Hen. III.* and others [r]: Robert of Glouceſter alſo fixes the ſame year, 1218, for the king's granting the great charter and charter of the foreſt: and, to complete our ſuſpenſe, there are extant many antient copies [s] of both the charters, with the following or a nearly ſimilar concluſion; *Dat' per manus venerabilis patris domini R. Dunelmenſis epiſcopi cancellarii noſtri apud ſanctum Paulum London' ſexto die Novembris anno regni noſtri ſecundo*, which was *A. D.* 1217.

In this ſtate of uncertainty we may be allowed to entertain a conjecture, (for it cannot amount to more) that when the peace was now throughly eſtabliſhed, the king's miniſ-

[r] *A. D.* 1218. *Poſt feſtum ſancti Michaelis convenerunt apud London' ſapientes Angliae, et renovaverunt leges et libertates ſecundum cartam regis Johannis, quam fecerat baronibus, et in modum chirographi ſcripſerunt, et ſigillo Gualonis legati, et Simonis archiepiſcopi Cantuarienſis, et Walteri archiepiſcopi Eboracenſis, et Willielmi epiſcopi Londonienſis et Willielmi Mareſcalli confirmaverunt, donec rex juvenis ſigillum curſale habere videretur.*

[s] In the Bodleian library, three; Marſh. 132. Hatton. 28. NE. F. 2. 4. In the public library at Cambridge, three; Ee. 1. 1. Hh. 3. 11. Ll. 4. 18. In the Britiſh Muſeum, among the Harleian MSS, eight; numb. 493, fol. 42; 746, fol. 59; 867; 869; 946; 1033; 1120; 4975. In the Inner-Temple library, one; MSS Petyt. 9. None of theſe have the clauſe relating to the adulterine caſtles; which indeed is to be found in one other copy in the Bodleian library, Laud. F. 119, and in another in the Cambridge library, Ee. 2. 19; but both of them are ſo incorrect in other reſpects that nothing can be gathered from them with any certainty. For the examination of the MSS (above cited) at Cambridge, the editor is obliged to the very learned and communicative doctor Richardſon, maſter of Emanuel college, and doctor Maſon of Trinity college, the Woodwardian profeſſor of foſſils: thoſe at Oxford and London were examined by himſelf.

ters,

ters, in purſuance of their engagement in the cloſe of the former charter, reconſidered the whole, and granted that now before us under the legate's and protector's ſeals at Merton on the 23d of September, in the great council or parliament mentioned by the chronicle of London; for the clauſe of the adulterine caſtles is expreſsly declared in the charter to have been inſerted *de communi conſilio tocius regni noſtri*[t]: that in recompenſe for this, and to aſſiſt him in ſettling the kingdom, the parliament afterwards gave the king a fifteenth of their moveables; which is recited in moſt of the copies that are dated on the 6th of November, in the ſame words that are afterwards made uſe of at the cloſe of the charter of 9 Hen. III. and that the ſame charter was more ſolemnly publiſhed, and many duplicates thereof diſtributed to the people, at

A.D. 1217. 1 *Hen. III.*

[t] The aſſembling of a parliament about this time, wherein the great charter was confirmed, though it has eſcaped the notice of all our antient hiſtorians, (as doubtleſs many others have done) is farther evidenced by the report of a caſe determined in Eaſter term *A.D* 1221, 5 Hen. III. wherein the great charter is vouched as a ſtatute or act of parliament. *P.* 5 *Hen. III. Nota que home ne ſuer mordaunceſter apud Weſtminſter dez terres en auter counte. Ajuge par le court, pur ceo que ſerra encountre l'eſtatut de magna carta; ſi non quod illa aſſiſa ſemel interminata fuit coram juſticiariis.* Fitz. Abr. part 2. fol. 120. b. tit. *mordaunc.* pl. 53. The reader will obſerve, that as this cannot refer to the charter of 9 Hen. III, by reaſon of it's earlier date, ſo neither can it refer to the charter of king John, nor to that of 12 Nov. 1 Hen. III; for in them there was no proviſion for adjourning aſſiſes into bank, if left on account of their difficulty undetermined by the juſtices of aſſiſe; but that clauſe was firſt added in the charter of *A. D.* 1217.

S. Paul's

A.D.1217. 1 Hen. III. S. Paul's on the 6th of November, by the hands of Richard de Mariſco then biſhop of Durham and chancellor [u]. But, as this is entirely gueſs-work, the editor has avoided affixing any year of the king's reign to this charter: for, if it was granted in September, it was in the cloſe of the firſt year of Henry the third; if in November, it was then in the beginning of the ſecond, which commenced on the 19th of October. He has therefore rather choſen to diſtinguiſh it by the year of our Lord, 1217, in which it muſt indiſputably be placed: for it cannot in any reaſon be placed earlier than the peace between Henry and Louis, on the 11th of September 1217; nor later than the 22d of February following, (notwithſtanding the authority of the Waverley annaliſt, and Robert of Glouceſter, who are plainly a year behindhand) ſince there are writs of that date upon the rolls directed to all the ſheriffs of England, commanding them to publiſh in full county-court the two charters, and to cauſe them to be obſerved in all points; particu-

[u] There is a blank in the cloſe of the charter, page 70, which ſeems to have ariſen from the uncertainty of the ſecretary how to entitle this inſtrument; and this may give ſome countenance to the ſuppoſition that the Oxford original was the very firſt draught of the charter in September, which was afterwards more fully atteſted and dated in November following.

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larly in that which relates to the demolition of the adulterine caſtles [w]. *A.D.1217. 1 Hen.III.*

In theſe writs, of the 22d of February 1217, we find the firſt authentic mention of a ſeparate charter of the foreſt; which, as was before obſerved, was now for the firſt time drawn up: and therefore in the preamble or direction of the great charter the word *foreſtariis* is now alſo for the firſt time omitted, and the few foreſt-clauſes which remained in the charter of the 12th of November 1216, are likewiſe omitted in this; plainly becauſe the foreſters had now a diſtinct charof their own. And accordingly we find, in *2 Hen.III.*

w *Clauſ. 2 Hen. III. m. 11. d.*

Rex vicecomiti Eborum ſalutem Mittimus tibi cartas de libertatibus conceſſis omnibus de regno noſtro tam de foreſta quam aliis Mandantes quatenus eas plene legi facias publice in pleno comitatu tuo convocatis baronibus militibus et omnibus libere tenentibus ejuſdem comitatus qui ibidem jurent fidelitatem noſtram Et tu diligenter attendens ſingula puncta cartarum ea per omnia facias jurari et obſervari et id maxime quod in fine magne carte appoſitum eſt de caſtris adulterinis que ab initio guerre conſtructa fuerunt vel reedificata diruendis omni occaſione poſtpoſita fieri facias ſecundum quod continetur in eadem carta quia id per conſilium domini legati et fidelium noſtrorum proviſum fuit et in carta poſitum ad maximam utilitatem et tranquillitatem noſtram et regni noſtri Quia vero &c Teſte comite apud Sturminſter' xxij die Februarii.

Conſimiles litere ſingulis vicecomitibus Anglie.

M. Tyrrel (2 Hiſt. of Engl. 837.) has very unaccountably ſurmiſed, that the preceding writ contains a direction to rebuild ſuch lawful caſtles as had been ruined during the civil wars; whereas it is moſt manifeſtly the direct reverſe. Nor was either the precept itſelf, or the name of adulterine caſtles, an unprecedented thing; ſince we find an article ſimilar to this in the treaty of Wallingford, after the civil wars between the empreſs Matilda and king Stephen. *Caſtella adulterina, quae tempore regis a quocunque conſtructa ſunt, diruentur,* (Matth. Paris. *A.D.*1153.)

the

A.D. 1217. 2 Hen. III. the ſeveral manuſcript copies below-cited [x], a charter of the foreſt dated the 6th of November, *A. D.* 1217, almoſt conſtantly ſubjoined to the great charter which bears the ſame date. Nor indeed is it poſſible to conceive, as was formerly hinted [y], that the charter of the foreſt attributed to king John could be originally made in his reign. For in the fifteenth chapter the outlawry of all perſons is reverſed, who had ſuffered for offences againſt the foreſt before the firſt coronation of the king; ſo that thoſe who were outlawed ſince were left at the mercy of the crown. Now it cannot be believed, that when a remedy was obtained ſword in hand from king John, to redreſs the oppreſſions that had prevailed in the foreſt as well as elſewhere during his tyrannical reign, thoſe perſons ſhould be excluded from it's operation, who had ſuffered under thoſe oppreſſions during the ſixteen years next immediately preceding: whereas the proviſion is fair and reaſonable, if we refer it's original to the charter made now by king Henry's miniſters, within a year after ſuch his coronation, which happened (we may remember) upon the 28th of October. And this leads us to obſerve another inter-

x See note (s) immediately preceding.

y See page xxxv.

nal

nal mark, which will nearly fix the first rise of this forest charter; viz. the pardon granted, in chap. 4, of all purprestures, wastes, and assarts, committed in the forest to the beginning of the second year of the king's coronation; which time exactly coincides with the 6th of November *A. D.* 1217, when (according to the supposition before adopted) the charter of the forest was first publickly promulged to the people. *A.D.*1217. 2*Hen.III.*

THIS original charter of the forest, and all authentic records of it, are at present lost: but that such a one did actually exist we may be assured, not only from the evidence before stated, but also from a writ recorded in the patent rolls, dated the 24th of July following; which directs a perambulation to be made, and the bounds of the forest to be settled, according to the tenor of the charter of forest-liberties which the king had granted [z]. And *A.D.*1218.

[z] *Pat. 2 Hen. III. p. 2. m. 2.*

Rex &c omnibus vicecomitibus Anglie per quorum ballivas Johannes Mar' capitalis justiciarius de foresta Anglie transiturus est salutem Precipimus vobis quod statim cum dilectus et fidelis noster Johannes Mar' capitalis justiciarius noster de foresta Anglie transitum fecerit per ballivas vestras ad deafforestand' per preceptum nostrum forestas illas que deafforestari debent et separari ab hiis que foreste permanebunt secundum tenorem carte nostre de libertatibus forestarum quas concessimus probis hominibus nostris per regnum nostrum Anglie adhibitis cum unoquoque vestrum in singulis comitatibus quatuor legalibus et discretis militibus qui eligant xij de legalioribus et discretioribus militibus cujuslibet comitatus ad faciend' perambulationem per visum prefati J. Mar' forestarii nostri inter partes illas que deafforestande sunt et illas que foreste permanebunt et metas forestarum et terminos similiter partium deafforestarum distincte et

A.D. 1218. 3 Hen. III.

in the same year the computed expenses of this perambulation were charged and levied on the several counties concerned [a]. In which year also, about the 6th of November [b], a new great seal was made for king Henry, and then began to be used in sealing writs of course; but was forbidden to be put to any thing which might tend to perpetuity, till the king should arrive to full age [c]. And cardinal Gualo, whose name has so often occurred in these transactions, left England about three weeks afterwards [d].

et aperte faciatis irrotulari et metas et terminos eosdem irrotulatos et nomina militum qui prefate perambulate faciende interfuerunt nobis sub sigillis vestris et sigillis illorum qui interfuerint inquisitioni faciende transmittatis Teste comite apud Leic' xxiiij die Julii anno &c secundo.

[a] *Homines de Dorset et Somerset C l. pro perambulatione facienda in partes illas in comitatibus de Dorset et Sumersat que deafforestande sunt et illas que foreste remanebunt secundum tenorem carte regis de libertatibus foreste et pro metis et terminis ponendis inter utrasque partes illas et pro deafforestatione parcium illarum que deafforestande sunt sicut predictum est secundum metas et terminos predictos. Mag. Rot. 3 Hen. III. rot. 14. b.* cited in Madox's history of the exchequer, pag. 285. note (g).

[b] Annal. Waverl. *A.D. 1218.*

[c] *Pat. 3 Hen. III. m. 6.*

Prime littere novi sigilli domini regis de cartis vel litteris patentibus non faciendis Et hic incipit sigillum domini regis currere.

Henricus Dei gratia rex Anglie &c Omnibus has litteras inspecturis salutem Sciatis quod provisum est per commune consilium regni nostri Anglie quod nulla carta nulle littere patentes de confirmatione alienatione venditione vel donatione seu de aliqua re que cedere possit in perpetuitatem sigillentur magno sigillo nostro usque ad etatem nostram completam Testibus Gualone titulo sancti Martini presbitero cardinale et apostolice sedis legato domino S. Cant' archiepiscopo domino Waltero Ebor' archiepiscopo Willielmo Marescallo comite Penbr' Huberto de Burgo justiciario nostro Anglie coram W. London' episcopo [et aliis quamplurimis] *Provisum est etiam per commune consilium regni nostri et coram predictis omnibus quod si aliqua carta vel alique littere patentes facte secundum aliquam predictarum formarum sigillate inveniantur predicto sigillo irrite habeantur et inanes Testibus prenominatis et multis aliis.*

[d] Ann. Waverl. *A. D. 1218.* R. Coggesh.

WE

A.D.1222. 7 Hen. III.

We find no farther mention of the charters for ſome time; but in the latter end of the year 1222 there happened a circumſtance, upon which a conſiderable ſtreſs is laid by Matthew Paris, and thoſe of our hiſtorians who (following his authority) ſuppoſe that no charter of liberties was hitherto granted by king Henry; as if it were productive of the grant, which was made about two years afterwards. This was the iſſuing of writs to all the ſheriffs in England, to make an enquiry (as he tells us) by the oath of twelve knights in each county, what were the liberties uſed in England in the reign of king Henry the ſecond: which enquiry he ſuppoſes to have ariſen from a demand of the prelates and barons, that the young king ſhould confirm the liberties for which the war was begun againſt his father. But the writs themſelves, when inſpected [e], import nothing leſs than what he has diſtorted them to prove; being only a command to enquire what cuſtoms and liberties king John, not the people, had enjoyed before the commencement of the barons' wars; which rights of the crown had probably fallen into diſuſe and oblivion during thoſe inteſtine commotions.

[e] *Clauſ.* 7 *Hen. III. m.* 14. *d.* dated the 30th of January, and printed in 1 Brad. Append. 168.

A.D.1223.

BUT there was another circumſtance, which happened in the ſucceeding year, and ſeems of much greater importance: the bulle of pope Honorius the third, which Hubert de Burgh the juſticiary had obtained, declaring king Henry of full age in many reſpects [f], though then only in his ſeventeenth year; and commanding all thoſe who had poſſeſſion of the king's caſtles, honors, and lands, to deliver them up to him, upon pain of eccleſiaſtical cenſures. What theſe were, had probably been aſcertained by the inquiſi-
8 Hen. III. tions of the preceding year; but the diſcontents of thoſe barons, who had uſurped theſe poſſeſſions of the crown, and were now compelled to reſtore them, occaſioned no ſmall diſturbance. They ſeem to have feared a general reſumption even of the liberties conceded by the two ſacred charters, now the king was declared of full age by the papal power; and therefore infuſed into the minds of the people the neceſſity there was, that he ſhould now confirm in his majority the liberties which he had granted in his childhood [g]. Accordingly they took an opportunity in the ſucceeding year, when the king had an ur-

[f] Matth. Paris. Chron. Dunſtapl. *puero conceſſas, jam majori factus indul-*
[g] — *Quod rex libertates, prius ab eo ſerit.* Chron. Dunſtapl. *A.D.*1225.

gent

gent occaſion for a preſent ſupply, to demand a renewal of the charters; which was agreed to and performed in parliament, on the 11th of February, the king being then in the eighteenth year of his age; and a fifteenth was thereupon granted for the recovery of his ducal dominions in France [h]. A.D. 1224. 9 Hen. III.

MATTHEW Paris informs us, that an original great charter under ſeal was ſent to every county in England, and to thoſe which had foreſts within them a charter of the foreſt alſo; notwithſtanding which it is ſurprizing how few of theſe originals are at preſent extant. That hiſtorian himſelf, it is plain, had never ſeen one of them; elſe he could not have aſſerted, that they agreed ſo entirely in every point with the charters of king John [i]; the truth of which aſſertion a very ſlight inſpection will eaſily decide. M. Selden, notwithſtanding his extenſive reſearches, appears to have been ignorant that any originals of king Henry's charters were in being [k]: and the only one referred to by ſir Edward Coke [l], as being at Lambeth with

[h] Matth. Paris. Chron. Dunſtapl. H. Knyghton.

[i] *Chartae utrorumque regum in nullo inveniuntur diſſimiles.*

[k] Titl. of Hon. b. 2. c. 5. §. 21. Not. on Drayt. ſ. 17. Table-talk. 2058.

[l] 2 Inſt. proëm.

the

A.D. 1224. 9 Hen. III. the archbishop of Canterbury, was possibly the *capitula* of king John's beforementioned; since no original of Henry the third's has ever yet been produced from thence. Doctor Brady, misled by Matthew Paris, even doubts whether Henry granted any charter in other form than that of Runingmede; and thinks the great charter, commonly attributed to that prince in our statute books, was properly the charter of Edward the first, or perhaps rather his explication and enlargement of that charter of king John and Henry the third [m]: not being aware of the express provision in one of Edward's own statutes, which directs that in all exemplifications of former charters the original shall be faithfully transcribed [n]. M. Tyrrel tells us [o], that sir Nathaniel Powel (who was king's counsel) had a fair original, which was supposed to have belonged to Battel abbey, and which he himself had seen: but what is now become of this, the editor has not been able to learn. M. Carte speaks [p] of two originals, still preserved under seal; one in the church of Norwich, (which enabled, he says, doctor Prideaux to correct sir Edward Coke's mistake in the

m Introduction. 210, 211.

n *De verbo ad verbum, sine additione, mutatione, transmutatione, vel aliqua diminutione, scribatur.* 13 Edw. I, st. 6.

o 2 Hist. of Engl. 1104. 3 Hist. of Eng. Append. 17.

p 2 Hist. of Engl. 29.

arch-

archbiſhop of Canterbury's name put to it as one of the witneſſes) the other in the church of Durham. But, upon enquiry at the church of Norwich, the editor is aſſured from unqueſtionable authority, that there is no ſuch original there, but only a very antient copy [q]. That at Durham is indeed an original, of ineſtimable value; with the great ſeal ſtill remaining to it, impreſſed upon green wax, and entirely perfect, as repreſented in the plates, page 91 and 107, incluſive of the ſhaded parts [r]. But the charter from whence the

A.D. 1224. 9 *Hen. III.*

q If the paſſage in doctor Prideaux, referred to by M. Carte, be that in his Original and Right of Tithes, (p. 268.) as may well be preſumed; it will be found that he expreſsly mentions only "the copy of *magna charta* which we "have here at Norwich, in the ar-"chives of the cathedral church," and therein he obſerves that the archbiſhop's name is not Boniface, as in the common printed copies, but Stephen. He pretends not to correct ſir Edward Coke in particular; to whom not even the blame of continuing, much leſs the blame of beginning, this miſtake can with juſtice be imputed; but to the editors of his poſthumous work, (2 Inſt. 76.) who copied the blunder from our moſt antient ſtatute books. In thoſe B. was at firſt printed, by miſtake of the compoſitor, inſtead of S. and in ſubſequent editions the error was extended into Bonifacc at full length, who was not made archbiſhop till *A. D.* 1245. But ſir Edward Coke himſelf (in the proeme to his ſecond inſtitute) very accurately reckons, among the witneſſes to the great charter, Stephen Langton archbiſhop of Canterbury. Nor indeed was doctor Prideaux the firſt corrector of this anachroniſm; for others, and particularly M. Selden, (Not. on Drayton. f. 16.) had obſerved it long before him.

r This charter has been carefully collated for the editor by the two gentlemen beforementioned, doctor Dickens and M. Bowlby; and he has alſo been favoured with the examination of a very exact copy taken for ſir Martin Wright, late one of the juſtices of the court of king's-bench, under the inſpection of doctor Bland, then dean of Durham; which copy is the more curious and valuable, as ſince it was taken the charter itſelf has been in ſome degree defaced and obliterated, by the unfortunate accident of overturning a bottle of ink.

following

A.D. 1224. 9 Hen. III. following edition [a] is taken (the sheets being corrected by the original as they came from the press) is one with which the editor was favoured by John Talbot, esquire, of Lacock in the county of Wilts; and which, by the misfortune which has happened to that of Durham, now remains a singular curiosity; as being the only fair and perfectly complete original of this date at present known to be extant. It is in breadth twelve inches and three quarters, and in length (including the fold) twenty inches and an half. The seal is of green wax, pendent by a skein of green silk; and is somewhat defaced, as may appear from the plates, page 91 and 107, wherein it's imperfections are shaded. It has the following endorsement on it in a cotemporary hand: *Ex deposito militum Wiltisir'. Henrici regis filii Johannis regis de libertatibus et quibusdam consuetudinibus per Angliam constitutis.* Of which the former part probably signifies, that, as one charter was sent to every county, this was the charter designed for the use of the knights or military tenants of Wiltshire; and it seems to have been deposited for that purpose in the monastery of Lacock by the gallant foundress, Ela countess of Salisbury; whose husband William Longespee was she-

[a] pag. 73.

riff

riff of Wiltſhire from the fifteenth year of king John till his death in the tenth of Henry the third, (during which period this charter was granted) and ſhe herſelf executed the ſame office for the two ſucceeding years [t]. A.D. 1224. 9 Hen. III.

NEXT to theſe originals, the authentic entry of the great charter in the red book of the exchequer at Weſtminſter [u] deſerves to be particularly taken notice of, which the editor has carefully collated: and next to that the charters of *Inſpeximus*, 28 Edw. I; of which there is one under ſeal in the archives of Oriel college in Oxford, indorſed in a cotemporary hand, *De libertatibus eccleſie Anglicane*; and another in the archives of the collegiate church of Weſtminſter, the ſeal whereof is loſt, but the ſlit for the label remains. This laſt is now paſted on cloth for it's better preſervation; and till that was done the word "*Wilts*" was to be ſeen at the bottom, (according to the information of the reverend M. Widmore the librarian) which was then unwarily cut off; but at firſt denoted, it ſhould ſeem, a like depoſit of this exemplification as of M. Talbot's original char-

[t] 1 Dugd. Bar. 175, 177.

[u] fol. clxxxiij.

ter [v].

A.D. 1224. 9 Hen. III.

ter [v]. Both theſe have been collated by the editor, as have alſo two enrollments in the tower of London; one in the ſtatute roll, of an *Inſpeximus* 25 Edw. I, the other in the charter roll, of the *Inſpeximus* 28 Edw. I, beforementioned: and the various readings of all of them are here printed as faithfully as he can preſume to warrant in a matter ſo liable to error and diſtraction. It has not been thought neceſſary to remark mere tranſpoſition of words, occaſioned by the haſte of the antient amanuenſes; nor every minute ſingularity in ſpelling the names of the witneſſes, which are in ſome meaſure different in every copy extant [w].

THE variations of this charter from that of *A. D.* 1217, will be found in the ſame manner as thoſe of that charter from former

[v] There is likewiſe preſerved, in the town-cheſt of Appleby in Weſtmorland, an extremely fair *Inſpeximus* of 28 Mar. 28 Edw. I. under ſeal; a copy of which was ſent to the editor, ſince the publication of the quarto edition, by the reverend and learned doctor Burn. It in general agrees, in its various readings, with the other charters of *Inſpeximus* of the ſame date; but has the peculiar local diſtinction of being marked at the bottom (near the ſeal) with the words, *Exam'. Weſtmerl'*; as the charter at Weſtminſter was formerly marked with *Wilts'*.

[w] The editor has alſo been favoured with the collation of a very curious and apparently cotemporary roll, containing both the great charter and that of the foreſt, of 9 Hen. III; which formerly belonged to the abbey of Hales-Owen in Shropſhire, and is now in the poſſeſſion of the right honourable the lord Lyttelton. But as the plan of this edition is confined to charters which have paſſed the great ſeal, or elſe to authentic entries and enrollments of record, under neither of which claſſes lord Lyttelton's roll can be ranked, it's various readings are not inſerted.

ones,

ones, by comparing it's ſeveral chapters (according to the vulgar, though ſometimes improper, diviſion in our ſtatute books) which are herein diſtinguiſhed by ciphers, with the correſponding ſections of the charter immediately preceding, pointed out by the numeral letters [x]. The chief alterations are theſe: — in the preamble, the inſertion of the words *ſpontanea et bona voluntate noſtra*, inſtead of *conſilio Gualonis, &c*; occaſioned perhaps by ſome jealouſy, that the king might declare his former charters to have been granted by others, who made uſe of his name in his minority, and therefore not binding upon himſelf: — in chap. 18, the inſertion of the words *et pueris ſuis*, omitted (as it ſeems) by miſtake in the preceding charter: — after chap. 37, the tranſpoſition of chap. xlv and xlvi of the former charter, for the ſake of more regular order: — the omiſſion of chap. xlvii of the ſame, concerning the adulterine caſtles;

A.D. 1224. 9 *Hen.* III.

[x] Thus (in page 85) chap. 31 is alſo marked with number xxxviii, which ſhews that §. 31 of the 9 Hen. III. correſponds with §. 38 of the charter *A.D.* 1217; which §. 38 of the charter *A.D.* 1217 (in page 67) being alſo marked with number xxxv, ſhews it to correſpond with §. 35 of the charter 1 Hen. III; and this §. 35 of the charter 1 Hen. III. (in page 53) being alſo marked with number xliii, it ſhews that this anſwers to §. 43 of king John's charter; and by the ſame rule it will be found that §. 43 of king John's charter (in page 27) being marked with number xxxvi, correſponds with §. 36 of the preceding articles in page 8: ſo that, by this method of double numeration, any clauſe in any of the charters may be traced back, through it's ſeveral mutations, to the original draught in Runingmede.

that

A D. 1224. 9 Hen. III. that matter being now probably ſettled, and the clauſe conſidered as temporary only: — the mention of the fifteenth being given as a conſideration for the grant of theſe liberties: — the addition of the king's engagement (taken from chap. 61 of king John's charter) not to procure any thing to be done, which might infringe or weaken the preſent grant; and the declaring all ſuch to be void: — and, finally, the atteſtation of this charter by ſo great a number of witneſſes, both ſpiritual and temporal lords; whereas none are ſubjoined to the charter immediately preceding.

THE charter of the foreſt, which follows next in this edition [y], is printed from an original in the archives of the cathedral at Durham; the ſeal whereof, being of green wax, is ſtill perfect, but the body of the charter has been unfortunately grawn by rats, which has occaſioned pretty great mutilations. Theſe are ſupplied from a cotemporary entry in the leger-book of the chapter, according to the accurate copy tranſmitted by dean Bland to ſir Martin Wright; the inſertions being here printed in italic characters. It was judged proper in the preſent impreſſion to make this

[y] pag. 93.

the

the text or ſtandard, becauſe, imperfect as it is, there is no other original charter of the foreſt now known to be extant. This original has been collated for the editor, by the gentlemen at Durham beforementioned, with a perfectly complete *Inſpeximus* of 28 Edw. I, preſerved in the ſame archives; and by himſelf with another of the ſame date belonging to Oriel college; both under the great ſeal: and he has alſo collated it with two enrollments in the tower of London; one in the ſtatute roll, of an *Inſpeximus* 25 Edw. I, the other in the charter roll, of the *Inſpeximus* 28 Edw. I, beforementioned. Of each of which the various readings are printed at the foot of the page. A.D. 1224. 9 Hen. III.

It will eaſily be perceived, that the firſt chapter of this foreſt-charter has reſpect to chap. 53 of king John's; the execution whereof was reſpited by the firſt charter of Henry III: — that the ſecond chapter is in a manner tranſcribed from chap. 44 of king John's, and chap. 36 of 1 Hen. III: — that the third and fourth chapters are an execution of chap. 47 and part of chap. 53 in king John's, and of chap. 36 in 1 Hen. III: — and that the reſt are an amplification and extenſion of chap. 48 of

A.D.1224. 9 Hen. III. of king John's charter, for abolishing evil customs respecting the forest [z].

A.D.1225. WHEN these charters were thus renewed, Matthew Paris relates that, about a month after the ensuing Easter, a perambulation was made of the bounds of the forests throughout England, and all the new-made forests were actually de-afforested; all persons, both great and small, being so fond of exerting the liberties which were granted them, that not an iota contained in the king's charter was overlooked. But, towards the end of the next A.D.1226. 11 Hen. III. year, in February 1226, the king, being now in the twentieth year of his age, called a council or parliament to meet at Oxford; and therein, declaring himself of full age to all intents and purposes, took the administration of affairs into his own hands [a]: which declaration of his was immediately afterwards confirmed and seconded by a bulle of pope Gre-A.D.1227. gory the ninth, dated the 13th of April 1227, and recorded in the red book of the exche-

[z] It should not be omitted that in lord Lyttelton's roll, at the end of chap. 14, the following clause occurs; *De boscis autem aliorum nullum detur chuignagium forestariis nostris preterquam de dominicis boscis nostris.* This is not to be found in any of the authentic charters or enrollments which the editor has had opportunity to consult; but, which is somewhat singular, the same clause is to be met with in that charter of the forest which Matthew Paris has adopted for king John's.

[a] Matth. Paris. Matth. Westm.

quer [b].

quer [b]. At the same time the king is said to have revoked all the charters of the forest, as being granted when he had no power over himself or his seal; which occasioned great murmurs, and at last menaces from divers of the nobility assembled at Stamford in the ensuing summer, who gave out that unless the king renewed the same without delay, they would compel him with their swords to give them the satisfaction required. But Henry found means, by yielding up some lands which were claimed by the earl of Cornwall their leader, to pacify this opposition without any renewal of the charters [c]. And the annals of Waverley, *A. D.* 1232, take notice, that though this was the eighth year since the grant of two charters was purchased by the parliament from king Henry, and though the archbishop and his suffragans, in the presence of the king and his nobles, had pronounced their anathemas against all who should presume to infringe them, yet the yoke of slavery was now heavier than ever, especially with regard to the forest [d].

*A.D.*1227. 11*Hen.III.*

*A.D.*1232. 16*Hen.III.*

[b] fol. clxxi.

[c] Matth. Paris.

[d] — *Prob dolor, aggravatum est jam jugum servitutis, et maxime de foresta fit novissimum pejus priori.*

HOWEVER,

*A.D.*1236. *21 Hen. III.*

HOWEVER, about four years afterwards, a parliament being ſummoned to meet at Weſtminſter on the 20th of January 1236 [e], when the government had a neceſſity for a large ſupply, the nation took that opportunity to demand a confirmation of the two charters, now the king was undoubtedly of full age. He complied with their requeſt by a charter dated the 28th of January; of which there is an original extant under ſeal in the Bodleian library among M. Furney's collection, perfectly fair and complete, being ſix inches and three quarters broad, and nine inches and an half long, including the fold for the label; from whence the following edition [f] is taken. There is alſo an enrollment of the ſame in the charter roll [g], and a very antient copy of it in the Cottonian library [h]; and it is likewiſe inſerted by Hemingford in his chronicle [i], ſubjoined to an *Inſpeximus* of the great charter. The parliament as a proof of their ſatisfaction upon this conceſſion, granted the king a thirtieth of their moveables [k]; whereupon, in May following, he ſent the

*A.D.*1237.

e Matth. Paris. Matth. Weſtm. T. Wikes.
f pag. 104.
g *Cart.* 21 *Hen. III. m.* 7. *n.* 4.
h *Galb. E.* 4. 57.
i pag. 570.
k Chron. Dunſtapl. Matth. Paris. Ann. Waverl. &c.

charter

charter to all the ſheriffs in England, commanding them by writ to read it in full county court, and cauſe it to be firmly obſerved [l]. *A.D.* 1237. 21 *Hen. III.*

We hear nothing farther of the charters till the year 1253; when the king, having occaſion for another ſupply to ſupport his projected expedition into Gaſcogne and the holy land, ſummoned a parliament to meet on the 5th of May [m]; wherein the laity gave him a ſcutage of forty ſhillings upon every knight's fee, and the clergy three years tenths of their eccleſiaſtical revenues. The latter however complained much of the infractions of the great charter, particularly with regard to the privileges of the church: whereupon the charters were re-publiſhed [n]; and the ſentence of excommunication, which had before been more privately denounced *A. D.* 1224 and 1237 [o], was again renewed on the 13th of May with very great magnificence and ſolemnity in Weſtminſter-hall, the king himſelf and his nobles attending in perſon. Mat- *A.D.* 1253. 37 *Hen. III.*

[l] *Clauſ.* 21 *Hen. III. m.* 15.
Mandatum eſt vicecomiti Cornub' quod carta regis quam fieri fecit archiepiſcopis epiſcopis &c et omnibus aliis de regno ſuo Anglie de libertatibus et quietanciis eis conceſſis per aliam cartam regis eis factam dum infra etatem fuit in pleno comitatu ſuo legi faciat et firmiter teneri T. R. apud Weſtm' xxvi die Maii.

[m] *Quindena Paſchae*; (Matth. Paris.) Eaſter falling that year on the 20th of April. (Dufreſne, *t. Annus.*)

[n] Matth. Paris. Ann. Waverl. Hemingford. Trivet. &c.

[o] Matth. Paris. T. Wikes. Ann. Burt.

A.D. 1253. 37 Hen. III. thew Paris relates, that at the end of this ſentence, when the prelates caſt down their tapers extinguiſhed and ſmoking, with this execration, "ſo may all that incur this ſen-"tence be extinguiſhed and ſtink in hell," the king immediately ſubjoined, "ſo help me "God, I will keep all theſe things inviolate, "as I am a man, as I am a chriſtian, as I am "a knight, and as I am a king crowned and "anointed."

THERE are many copies of this ſentence extant; in Matthew Paris, the annals of Burton, Walter Hemingford, Matthew of Weſtminſter, and moſt of the antient manuſcript collections of ſtatutes in our public libraries; no two of which in all points agree. The copy printed in the following edition [p] is taken from what ſeems to be the moſt authentic extant, a coeval entry in the red book of the exchequer at Weſtminſter [q], which yet is not without it's inaccuracies.

THE wording of ſome part of this ſentence is extremely peculiar, and ſeems artfully calculated to aſſert all the liberties claimed by the church, whether contained in the charters or not: particularly, the including

[p] pag. 109. [q] fol. c iiij xxiiij.

under

under this curſe even the legiſlature itſelf if it makes or hath made any ſtatute, and the judges if they preſume to give judgment in conſequence of any ſtatute, infringing ſuch eccleſiaſtical liberties. As, beſides the general independence of the civil ſtate which was affected by the popiſh clergy, this ſeems to have a ſpecial reference to the tranſactions before, at, and after the parliament of Merton, *A. D.* 1235, in the 20th of Henry the third, concerning the matter of ſpecial baſtardy, it may not be amiſs to look back a few years, and give a ſhort explication of that controverſy. *A.D.* 1253, 37 *Hen. III.*

A SPECIAL baſtard, that is, one born before marriage of parents who intermarry afterwards, is for very good reaſons not admitted to inherit lands by the law of England; but by the roman civil law he was capable of ſucceſſion [r], and therefore the canon law allowed him to be legitimate with reſpect to orders and other eccleſiaſtical matters. In the year 1180, 26 Hen. II, pope Alexander the third took upon him to publiſh a decretal letter [s], directing children thus circumſtanced to be admitted to the ſecular inheritances of their parents, under pain of ſpi-

[r] Inſt. I. 10. §. 13.

[s] Decretal. IV. 17. 1.

A.D. 1253. 37 Hen. III. ritual cenſures. Hereupon, as may be collected from Glanvil [t], a queſtion began to be moved, even in the time of Henry the ſecond, how far ſuch child was now made inheritable in England; which he clearly decides in the negative. But as the trial, whether baſtard or not, in caſe of a diſputed ſucceſſion, (being uſually a queſtion relating to the marriage of the parents) had hitherto been always had before the biſhops, and certified by them to the king's juſticiaries, therefore inquiſitions of this kind ſtill continued to be ſent to their courts. To theſe the biſhops made returns, ſometimes evaſive and cavilling, ſometimes in conformity to the canonical notion of baſtardy, though directly contradictory to the law of the land. To remedy which, it was ordained in a parliament held at Tewkeſbury, 12 October *A. D.* 1234, 18 Henry III, that for the future, whenever ſpecial baſtardy was pleaded, the form of the inquiſition directed to the biſhop ſhould be to enquire, not "whether baſtard or no," but "whether born before nuptials or no;" to which the ordinary ſhould return a plain and categorical anſwer: that, accordingly as this

[t] b. 7. c. 15.

fact

fact was certified, the king's courts might determine the legitimacy [u]. *A.D.* 1253. 37 *Hen. III.*

THIS cut off all hopes of introducing the canonical doctrine of legitimation into the english law; and therefore at the parliament of Merton, which was held the next year, (23 January *A. D.* 1235, 20 Henry III) the prelates determined to make one bold effort to carry their point, by openly avowing that they neither would nor could, without derogating from their eccleſiaſtical dignity, make any return to the king's courts upon the writ of inquiſition thus newly altered; becauſe that would be to the prejudice of holy church [w].

[u] *Die Jovis proxime poſt feſtum ſancti Dioniſii, anno regni Henrici filii regis Johannis xviii, coram ipſo domino rege et ſubſcriptis, convocato conſilio proviſum fuit et conceſſum quod de caetero cum baſtardia objecta fuerit alicui de tali cauſa in curia domini regis quod baſtardus ſit, et ideo baſtardus quia natus ante ſponſalia vel matrimonium contractum inter patrem ſuum et matrem ſuam, mittatur loquela ad ordinarium loci et fiat inquiſitio per haec verba, utrum videlicet talis natus fuerit ante ſponſalia ſive matrimonium vel poſt, et reſcribat ordinarius per eadem verba domino regi ſine aliqua cavellatione.* Bracton. b. 5. *de exceptionibus.* c. 19. §. 2. This paſſage is here cited according to M. Selden's emendation; not according to the vulgar reading, which inſtead of *anno regni Henrici filii regis Johannis xviii* has *anno eodem*; and ſo, by an unwary reference to the preceding context, ſeems to place this ordinance in the 20th of Hen. III, ſubſequent to the parliament of Merton; although the proceedings there have an evident relation to ſomething of this kind that had paſſed before. M. Selden however, (Tit. of Hon. b. 2. c. 5. §. 23.) has produced an original record, which Bracton appears to have almoſt verbatim tranſcribed, *(Placita apud Theokeſburiam 18 Hen. III. d. rot. 15.)* excepting only the date of it, which is in the roll according to what is here printed.

[w] *Nec voluerunt, nec potuerunt, ſine prejudicio eccleſiaſticae dignitatis, reſpondere ad breve ſuper hujuſmodi inquiſitione faciendo, &c; quia hoc eſſet in prejudicium ſanctae eccleſiae.* Bracton. *ibid.* §. 1.

And,

A.D. 1253. 37 Hen. III. And, as they were thus resolved not to depart from their own law, they requested the temporal lords for the sake of uniformity to consent to the reception of pope Alexander's canon, which legitimated such special bastards even with respect to inheritances: but the nobility rejected their proposal with a spirit that does honour to their memory [x].

Upon this refusal of the bishops to answer the king's writ, in open defiance of the laws [y], the secular judges began to consider, what method was proper to be taken to ascertain the fact of special bastardy, when brought in question before the king's courts. And they soon perceived, that when special bastardy was pleaded in bar of a descent or the like, it was not properly a question of a spiritual nature; for the legality of the marriage (which,

[x] *Stat. Merton, 20 Hen. III. cap. 9. Ad breve domini regis de bastardia utrum aliquis natus ante matrimonium habere poterit hereditatem sicut ille qui natus est post responderunt omnes episcopi quod nolunt nec possunt ad illud respondere quia hoc esset contra communem formam ecclesie Ac rogaverunt omnes episcopi magnates ut consentirent quod nati ante matrimonium essent legitimi sicut illi qui nati sunt post matrimonium quantum ad successionem hereditariam quia ecclesia tales habet pro legitimis Et omnes comites et barones una voce responderunt quod nolunt leges Anglie mutare quae hucusque usitate sunt et approbate.*

In some very antient copies of this statute (particularly in MS. Bodl. NE. F. 2. 4.) this clause is immediately subjoined to the foregoing:

Et ideo dominus rex habet consilium suum sub qua forma procedere voluerit ad inquisitionem in curia sua de talibus sic natis.

[y] *In defectum episcoporum, quia contrarii sunt legibus et consuetudinibus Angliae.* Bracton. *ibid.*

being

being ſuppoſed a ſacrament, was under the biſhop's cognizance) was confeſſed on both ſides, and the diſpute could only be concerning the priority or poſteriority of the birth [z], which was a matter whereof the laity were as competent judges as the clergy. They therefore held that this queſtion might well be determined in the king's courts by jury, without reſorting to the ordinary [a]: and ſo it came to be eſtabliſhed law [b], that, though general baſtardy ſhall be tried by the biſhop's certificate, yet ſpecial baſtardy ſhall be tried by a jury [c]. A.D. 1253. 37 Hen. III.

[z] *Nihil pertinet ad judicem eccleſiaſticum cognoſcere de prioritate vel poſterioritate nativitatis ejus cui opponitur baſtardia, cum ſponſalia vel matrimonium hinc inde conceſſa ſint.* Bracton. *ibid.*

[a] Bracton. *ibid.* Flet. b. 6. c. 39. §. 4.

[b] Dyer 79. 2 Inſt. 99.

[c] The progreſs of this affair is alſo very fully and authentically ſtated in the following entries upon the roll:

Clauſ. 20 Hen. III. m. 13. d.

Conſtitutiones facte apud Merton ſuperius inrotulate [yet none ſuch appear upon the roll] *ſcilicet xiij° die Februarii ſigillate fuerunt ſigillo domini regis tranſmiſſe ſunt in Hyberniam ut currant in partibus illis et teneantur ſicut in Anglia et de hoc fit mentio in brevi directo juſticiario Hybernie inferius inrotulato.*

Henricus Dei gratia rex Anglie &c venerabili patri L. eadem gratia archiepiſcopo Dublin' et dilecto et fideli ſuo M. filio Geroldi juſticiario ſuo Hibernie ſalutem. Accedens nuper ad curiam noſtram Georgius de Laffidell' nobis ex parte veſtra ſupplicavit ut vobis ſcire faceremus quid juris ſit ſecundum conſuetudinem Anglie in caſibus ſubſcriptis videlicet cum contingat filium alicujus nobilis natum ex matrimonio movere queſtionem fratri ſuo in fornicatione ante matrimonium de eadem matre progenito ſuper paterna hereditate. Item ſi contingat quod frater natus ante matrimonium defendendo ſe dicat ſe eſſe legittimum utrum in tali caſu ſit mittendus ad forum eccleſiaſticum &c. Item ſi mittendus ſit in qua forma &c Ad hec vobis ſignificamus de primo capitulo quod ſi natus ante matrimonium cui movetur queſtio cognoſcat ſe natum eſſe ante matrimonium nec petere poteſt hereditatem nec petitam retinere ſecundum Anglie conſuetudinem. Nec talis ſi dicat ſe natum eſſe poſt non eſt mittendus ad curiam chriſtianitatis eo quod clerus talem habet pro legitimo. Cum autem de caſu illo anno preterito tractatum eſſet coram venerabili patre archiepiſcopo Cant' et coepiſcopis ſuis et magnatibus noſtris Anglie ſcilicet utrum inquiſitio

A.D. 1253. 37 Hen. III.

THE biſhops, being thus abridged of one branch of their ſpiritual juriſdiction, were doubtleſs not a little chagrined at the unexpected turn which this matter had taken, and the loſs of that authority which their own obſtinate politics had brought upon them: which will afford us the proper key to thoſe obſcure and extraordinary clauſes in the ſentence of excommunication now before us; whereby they tacitly meant to ſubject to the curſe of God the makers of the ſtatutes of Tewkeſbury and Merton, as well as the temporal judges who had ſo far improved upon thoſe ſtatutes, as to eſtabliſh a new tribunal for deciding this queſtion in excluſion of the ſpiritual courts. But of this the king, his nobility, and the people, appear to have been well aware; and therefore entered upon the public records [d] the remarkable proteſt, which in the following edition is printed immedi-

inquiſitio de tali nato deberet fieri in curia noſtra vel in curia chriſtianitatis tandem predictus archiepiſcopus et epiſcopi petierunt ſibi dari poteſtatem inquirendi Poſtea vero proceſſu temporis quia in forma brevis noſtri eis ſuper hoc tranſmiſſi contentum fuit quod reſpondere deberent utrum talis natus eſſet ante matrimonium vel poſt videntes hoc eſſe contrarium legibus ſuis noluerunt ad hoc reſpondere et reliquerunt nobis et curie noſtre hoc inquirendum et terminandum Et nondum proviſum eſt in curia noſtra ſub qua forma hoc debeat inquiri vel per ſacramentum xii juratorum vel per probationem a partibus producendam . . . Hiis igitur intellectis ſecundum quod predictum eſt in partibus veſtris faciatis Teſte rege apud Mortelac' ix die Maii.

[d] *Pat. 37 Hen. III. m. 13. d.*

ately

ately after the sentence [e], as a perpetual memorial what part of it was inserted by general consent, and what otherwise. The pope however by his bulle, on the 21st of September following [f], confirmed this anathema *in totidem verbis*; and it was afterwards made a part of the english canon law by a provincial constitution of archbishop Peckham, *A. D.* 1281, 9 Edw. I [g]. *A.D.1253. 37 Hen. III.*

Our histories and records continue silent in regard to the charters, a few general confirmatory writs and proclamations excepted, till *A. D.* 1264, the forty-ninth of Henry the third; when the king and his son prince Edward were in custody of Simon Montfort earl of Leicester, and in order to obtain the prince's enlargement the king was obliged to set his seal [h] to the charter of the 14th of March, which is published from the original record [i] in the ensuing collection [k]. There is an antient manuscript in the Cottonian library, *A.D.1264. 49 Hen. III.*

[e] pag. 111.

[f] Ann. Burt. Hemingford.

[g] Lyndewode. b. 5. t. 17. pag. 354. 2 Wilk. *Concil. M. B.* 57.

[h] The king, about five years before, (having renounced his title to Normandy, Anjou, &c. in favour of the king of France, for a present of 300000 *l.*) had changed his great seal, both in point of device and of legend; using a sceptre with a dove instead of a sword for the ornament of his right hand, and abridging his stile by the omission of the words, *dux Normannie et comes Andegavie*, as appears in the plate, page 121. (Sandford's geneal. Histor. 90. Walsingh. *Uped. Neustr.* Trivet.)

[i] *Cart.* 49 *Hen. III. m.* 4.

[k] pag. 114.

not

A.D. 1264. 49 Hen. III. not only of this charter, but also of a similar one sealed by prince Edward at London on the 10th of March preceding; (at which time and place he was set at liberty [l]) and between them an *Inspeximus* and confirmation of the great charter dated the same 14th of March [m]. A copy also of this last *Inspeximus* and confirmation (comprizing both the charters) is to be met with in the Harleian library [n], dated the 13th of March, and witnessed by nine bishops, Simon Montfort earl of Leicester, Hugh le Despenser the chief justiciary, and fifteen other temporal barons.

The most observable part of the new charter here printed, besides it's confirmation of the two charters, (which alone would entitle it to a place in this collection) is the clause giving liberty to the king's subjects to rise against and distrein him to the utmost of their power, notwithstanding the allegiance which they owed him, in case he should transgress the conditions therein agreed on. This seems to be plainly copied from king John's great charter, chapter 61, with some alterrations; particularly in that here there is no exception in respect of the safety of the king's royal

[l] *Pat.* 49 *Hen. III. m.* 9. in 1 Brad. Append. 243.

[m] *Claud. D.* 2. *fol.* 137, *&c.*

[n] numb. 489.

person

perſon and family. And yet in both theſe caſes, the inſtant they got out of the hands of their reſpective enemies, neither father nor ſon paid any regard to conceſſions thus compulſively extorted. So impracticable is the attempt to reſtrain even limited monarchs by any expreſs proviſions which argue a degree of diſtruſt inconſiſtent with monarchy itſelf. *A.D.1264. 49Hen.III.*

THERE occurs nothing farther worth conſidering, in relation to the charters, during the reign of this unfortunate prince; except the general proviſion for their obſervance in the fifth chapter of the ſtatute made at Marleberge, the 18th of November *A. D.* 1267, which is printed in the following collection [o], but needs no comment or hiſtorical illuſtration. *A.D.1267. 52Hen.III.*

HENRY the third died the 16th of November *A. D.* 1272, and was ſucceeded by his ſon Edward the firſt, a prince of a very different character; in whoſe reign, glorious as it was to himſelf and advantageous to his people in general, we find little mention of the charters, till the year 1297. The king then meditating an expedition into Flanders, the earl of Hereford lord high conſtable and the earl *A.D.1297. 25Edw.I.*

[o] pag. 123; from the Cotton MSS. *Claud. D.* 2.

of

A.D. 1297. 25 Edw. I.

of Norfolk earl mareſcal refuſed to attend him in perſon, according to the duty of their ſtations, for which they were ſuſpended from their offices. This occaſioned them to raiſe a very formidable oppoſition to his meaſures, and to publiſh a kind of manifeſto in the name of the prelates and barons, complaining among other things of the neglect into which the two charters of liberties had fallen [p]. King Edward, alarmed at their proceedings, ſeems to have privately engaged to renew and confirm the charters on the uſual condition of a ſupply: for archbiſhop Winchelſey on the 16th of July ſummoned the ſynod of his province to meet on the 10th of Auguſt, in order to conſider of ſuch renovation [q]; but the clergy then declined granting any thing till the leave of the pope ſhould be obtained. Whereupon the king upon the 12th of Auguſt publiſhed an anſwer to the manifeſto of the earls, dated at Odymere near Winchelſey, which he ſent to all the ſheriffs in England; promiſing (among other things) to confirm at his return from Flanders the two charters, if the people would grant him an aid to ſupply his preſent neceſſities [r]: and ſoon after,

[p] Knyghton. Walſingham.
[q] 2 Wilk. *Concil. M. B.* 226.
[r] *Pat.* 25 *Edw. I. p.* 2. *m.* 7. printed in 2 Brad. Append. 20.

on

on the 22d of Auguſt [s], he embarked for the continent; leaving his ſon prince Edward, then thirteen years old, regent of the realm in his abſence. A.D. 1297. 25 Edw. I.

A PARLIAMENT was ſoon after called, to meet on the 6th of October; mention being made in the writs of ſummons, that the purpoſe of the meeting was principally to confirm the two charters, and to grant a ſecurity that the late levy of an eighth (which in many of it's circumſtances was illegal) ſhould not be made a precedent, nor in any other ſhape ſhould turn to the prejudice of the kingdom [t]. At this parliament, on the 10th

[s] 2 Rym. 791.

[t] *Clauſ.* 25 *Edw. I. m.* 6. *d.* in 2 Rym. 793, and 3 Pryn. 736.

Edwardus Dei gratia rex Anglie dominus Hibernie et dux Aquitanie vicecomiti Bed' et Buks' ſalutem Quia in relevationem omnium incolarum et populi regni noſtri pro octava omnium bonorum ſingulorum laicorum per totum idem regnum pro urgentiſſimâ nunc dicti regni contra Gallicos neceſſitate levanda conceſſimus pro nobis et heredibus noſtris confirmare et firmiter teneri facere magnam cartam de libertatibus Anglie et cartam de libertatibus foreſte et concedere omnibus et ſingulis ejuſdem regni litteras noſtras patentes quod dicte octave levatio non cedet eiſdem in prejudicium ſervitutem exheredationem uſum vel conſuetudinem in futurum Tibi precipimus firmiter injungentes quod ſine dilatione aliquâ quatuor de probioribus et legalioribus militibus comitatuum tuorum videlicet de quolibet comitatu duos eligi et eos plenam poteſtatem pro ipſis et tota communitate dictorum comitatuum habentes ad Edwardum filium noſtrum cariſſimum tenentem in Anglia locum noſtrum venire facias ita quod ſint London' ad eundem filium noſtrum modis omnibus in octabis ſancti Michaelis proximo futuri ad ultimum cartas ſuper confirmatione noſtra cartarum predictarum et litteras noſtras ſuper dicta conceſſione pro ipſa communitate in forma predicta recepturi et facturi ulterius quod per dictum filium et conſilium noſtrum ibidem fuerit ordinatum Et hoc nullo modo omittatis Et habeas ibi hoc breve Teſte Edwardo filio noſtro apud ſanctum Paulum London' xv die Septembris anno regni noſtri xxv.

of

A.D. 1297. 25 Edw. I. of October, the prince passed the statute usually called *Confirmatio cartarum*, in the name of his father, and in the form of a charter. This is entered on record at the tower [u], and differs in nothing material from the copy which is printed in the following edition, save only in the attestation, which runs thus; *Tesmoigne Edward nostre fitz a Londres le disme jour de Octobre lan de nostre regne vintisme quynt.* He also on the same day granted a pardon to the constable and earl mareschall, together with John de Ferrers and all others who had refused to go into Flanders, in two instruments; one sealed with his own seal, the other with the seals of his council [w]; and engaged to procure the king his father's ratification of both the charter of confirmation and that of pardon: upon which condition the two earls declared that they would support him to the utmost of their power not only in Flanders, but in Scotland; for in the latter a formidable force was now assembled under the command of William Waleys, which had defeated the king's army on the 11th of September preceding [x]. On the 12th of October the great charter and charter of the forest were both of them recited and confirmed by

[u] *Stat.* 25 *Edw. I. m.* 38. cited in 2 Brad. 60.
[w] Regist. Winchelsey. 227, 228. [x] Knyghton.

Inspeximus

Inſpeximus, teſted in the name of prince Edward; the various readings of which exemplification are given in the following edition [y]. And for theſe important conceſſions the clergy of the province or Canterbury gave a tenth, and thoſe of York a fifth of their annual revenue, and the laity a ninth of their moveables [z]. A.D. 1297. 25 Edw. I.

As ſoon as the aſſembly broke up, the prince and his council ſent over to the king in Flanders a copy of the charter of confirmation ſo granted in parliament, and alſo of the pardon to the two great earls and their adherents. The king, after ſome days deliberation, aſſented to both; and at Ghent on the 5th of November affixed his great ſeal to the reſpective inſtruments, as is witneſſed in regard to the *Confirmatio cartarum* by this memorandum inſerted in the record immediately after that enrollment: *E fet a remembrer qe meiſme ceſte chartre ſuth meiſmes les paroles de mot en mot fuſt ſele en Flaundres de ſuth le grant ſeal le roy ceſt aſaver a Gaunt le quint jour de Novembre lan del regne lavantdit noſtre ſeignur le roy vintiſme quint e envee en Engleterre.* This original charter of king Edward is ſtill extant among the Cotton charters in

[y] pag. 73 and 93.

[z] Kryghton. Hemingford.

the

A.D. 1297. 25 Edw. I. the British Museum [a], being sixteen inches and a quarter broad, and six inches and a quarter in length including the fold for the label; part of which, being of parchment, is still remaining, but the seal is entirely gone. It was considerably shrivelled by the fire *A. D.* 1731; but, as the whole is still legible, though in some parts with difficulty, it was judged proper to take the following copy [b] from this the most authentic original.

THIS charter not only re-establishes the two charters of king Henry, but provides for their effectual publication; and particularly directs the great charter to be allowed in all points as the common law of the land. It declares all judgments contrary to them to be utterly void; and ordains them to be read twice a year in all cathedrals, and sentence of excommunication to be as often denounced against all that endeavour to infringe them. And at the end it is provided, that such aids as had been given to the king in times of public necessity, in whatever manner they were raised, should not be drawn into a precedent; and that no such manner of aids should be taken for the future, unless by the common assent of the whole realm; with an

[a] *Locul.* 7. *num.* 9. [b] pag. 124.

exception

exception to those which were antiently due and accustomed. A release is also subjoined of the new tax of forty shillings on every wool-sack exported, which had been irregularly granted, and therefore illegally taken, in the preceding year [c], instead of the tax of one noble, granted to the king *A. D.* 1275 [d]: which imposition was commonly known by the name of the *maletoute* [e]. *A.D.* 1297. 25 *Edw. I.*

THE king's pardon to the earls and their adherents is entered on record, immediately after prince Edward's charter of confirmation, and the memorandum thereunto subjoined; of which an exact copy will be found in the notes [f]. And, soon after the transmission of

[c] Hemingford. *A.D.* 1296.

[d] Trivet. Walsingh. *A. D.* 1298. *Pat.* 3 *Edw. I. m.* 1. *Fin.* 3 *Edw. I. m.* 24. cited in 2 Inst. 59. 4 Inst. 29.

[e] The expression *male-toute* or *mala tolta* occurs very frequently in the writers of those times, both here and on the continent. We have it in chap. 30 of the great charter 9 Hen. III, and the correspondent sections of those which preceded it. Dufresne thus explains it; *mala tolta, res injuste ablata, seu (ut tunc loquebantur) tolta vel tulta.* Gloss. *t. Tolta mala.*

[f] *Stat.* 25 *Edw. I. m.* 38.

Edward par la grace de Dieu roy dEngleterre seignur dIrland & duc dAquitaine a toutz ceux qui ces presentes lettres verront ou orront salus Sachiez qe come de par nos amez & feaux Humfrey de Bokun conte de Hereford & de Essex et conestable dEngleterre & Roger Bygod conte de Norff' & mareschal dEngleterre nous seit fet entendaunt qil se douterent qe nous eussiens conceu vers eux rancour et indignation pur aucunes desobeissances qil avoient fetes ne dd geres a ceo qe hom disoit en ce qil ne vindrent pas a nous a nostre commandement & a ce que hom disoit qil avoient aucuns de nos commandementz desturbez & targez & aucunes aliances & assemblees des gentz darmes faites contre nostre volunte et defense Nous regardantz qe des choses avantdites null meffait nest per eus sui uncore coment qe paroles eent este dites a la requeste et priere especiale de Edward nostre chier fuiz & nostre lieutenant en Engleterre

A.D. 1297. 26 Edw. I.

both into England, the two earls with the reſt of the nobility aſſembled at York, on the 20th of January; where the old charters and new articles were ſolemnly read to the whole commons, and the biſhop of Carliſle denounced ſentence of excommunication againſt all who ſhould infringe them [g].

MUCH doubt has been raiſed, whether what is uſually printed in our ſtatute-books, under the name of *Statutum de tallagio non concedendo* [h], was really a ſeparate thing from

Engleterre et des honurables peres Willame eveſk de Ely William eveſqe de Ba & de Welles Richard eveſq de Londr' Wauter eveſqe de Coventr' & de Lychefeld & Henry clit Everwyk & des nos amez & feaux Edmond conte de Cornwall Johan de Garenn' conte de Surreye et de Suſſex Willame de Beauchamp conte de Warrewyk et des autres de noſtre conſeil demorantz en Engleterre pres de lavantdit noſtre fuiz releiſſoms & pardonoms pleinement as ditz contes et a Johan de Ferrers & a toutz leur menengs & toutz leur aliez tote manere de rancour et de indignation qui nous avoms concev vers eus ſi nule enſoit per les encheſons avantdites ou nule de eles Iſſint qe nul de ditz contes ne Johan de Ferrers ne nul de leur menengs ne de leur aliez avantditz ne ſoient chalengez encheiſonez ne grevez pas nous ne par nos heirs en nul temps pur nule des choſes avantdites E auſi pardonoms et releiſſoms a toutz autres de noſtre roiaume qui furent ſomonz ou priez de paſſer oveſqe nous et ne paſſerent totes maneres de rancour et de indignation ſi nule euſſiens concev vers cus per cele encheiſon En teſmoignance des queux choſes nous avoms fait faire ceſtes nos lettres overtes Donees a Gaunt le quint jour de Novembr' lan de noſtre regne vintiſme quint.

[g] Hemingford. *A. D.* 1297.

[h] Of this Hemingford has given us the moſt intelligible copy of any extant; that printed in our ſtatute books being in ſome parts ſo mutilated, as totally to obſcure the ſenſe. His is as follows:

Nullum talliagium vel auxilium per nos vel heredes noſtros de cetero in regno noſtro imponatur ſeu levetur ſine voluntate et aſſenſu communi archiepiſcoporum epiſcoporum et aliorum prelatorum comitum baronum militum burgenſium et aliorum liberorum hominum in regno noſtro Nullus miniſter noſter vel heredum noſtrorum capiat blada lanas coria aut aliqua alia bona cujuſcunque ſine voluntate et aſſenſu illius cujus fuerint hujuſmodi bona Nichil capiatur de cetero nomine vel occaſione male tolte de ſacco lane Volumus etiam et concedimus pro nobis et heredibus noſtris quod omnes clerici et layci de regno noſtro habeant

this confirmation enacted in the parliament at London, and afterwards confirmed at Ghent; or whether it was only an abſtract of it in another language. It is certainly very ſimilar in it's contents to that confirmation and the ſubſequent charter of pardon; except that it is ſhorter, and that in this there is a ſignal omiſſion of the reſtrictive word *tieu*, or *ſuch*, in the clauſe relating to aids, and alſo as ſignal an omiſſion of the ſaving in reſpect of the antient aids which were formerly due and accuſtomed: which omiſſions leave the prohibition of impoſing and raiſing any taxes or *A.D.1297. 26Edw.I.*

beant omnes leges libertates et liberas conſuetudines ſuas ita libere et integre ſicut eas aliquo tempore plenius et melius habere conſueverunt Et ſi contra illas vel quemcunque articulum in preſenti carta contentum ſtatuta fuerint edita per nos vel per anteceſſores noſtros vel conſuctudines introducte volumus et concedimus quod hujuſmodi conſuetudines et ſtatuta vacua et nulla ſint in perpetuum Remiſimus eciam Humfrido de Bown comiti Hereford' et Eſſex' conſtabulario Anglie Rogero Bygot comiti Norff' mareſcallo Anglie et aliis comitibus baronibus militibus armigeris Johanni de Ferrariis ac omnibus aliis de eorum ſocietate confederacione et concordia exiſtentibus necnon omnibus xx^ti libratas terre tenentibus in regno noſtro ſive de nobis in capite ſive de alio quocunque qui ad transfretandum nobiſcum in Flandriam certo die notato vocati fuerunt et non venerunt rancorem noſtrum et malam voluntatem quam ex cauſis predictis erga eos habuimus Et eciam tranſgreſſiones ſi quas nobis vel noſtris fecerint uſque ad preſentis carte confeccionem Et ad majorem hujus rei ſecuritatem volumus et concedimus pro nobis et heredibus noſtris quod omnes archiepiſcopi et epiſcopi Anglie in perpetuum in ſuis cathedralibus eccleſiis habita preſenti carta et lecta excommunicent publice et in ſingulis parochialibus eccleſiis ſuarum dioces' excommunicare ſeu excommunicatos denunciare faciant bis in anno omnes qui contra tenorem preſentis carte vim et effectum in quocunque articulo ſcienter fecerint aut fieri procuraverint quoquomodo In cujus rei teſtimonium preſenti carte ſigillum noſtrum eſt appenſum una cum ſigillis archiepiſcoporum epiſcoporum comitum baronum et aliorum qui ſponte juraverunt quod tenorem preſentis carte quatenus in eis eſt in omnibus et ſingulis articulis obſervabunt et ad ejus obſervacionem conſilium ſuum et auxilium fidele preſtabunt in perpetuum.

A.D. 1297. 26 Edw. I. aids without the universal consent of the realm entirely general and absolute. This matter was very learnedly debated in M. Hampden's great case relating to shipmoney, *A. D.* 1637[i]; when the judges determined it to be a separate act of parliament, principally because it was recited as such about nine years before, in the preamble to the petition of right[k]. And their determination seems to be just, for this was certainly sufficient to give it for the future the binding force of a statute in point of law; though it hardly will be allowed as a conclusive proof of a disputed fact in point of history.

To say the truth, there seem to be strong reasons for supposing it only a kind of abstract or translation by a cotemporary hand; which probably was inserted at the end of the great charter in the register of some monasteries, whence it was transcribed by Trivet and Hemingford, who are copied by Knyghton and Walsingham. For it cannot be of so late a date as the 34th of Edw. I, wherein our statute-books and sir Edward Coke[l] have placed it; since Humfrey Bohun earl of Hereford, whose pardon is therein granted, died

[i] 1 State Trials, 510, 536, 551, &c. [l] 2 Inst. 532.
[k] *Ibid.* 595, 607, 628.

the

the 31st of December in the year 1298, 27 Edw. I[m]: nay, all the old hiſtorians who inſert it ſuppoſe it to have been granted by the king in Flanders in the latter end of the year 1297, when the ſimilar french charters here printed were indiſputably ſealed; of which, and which only, Matthew of Weſtminſter takes notice. It is not to be found upon any authentic roll or record of the years 1297 or 1298, nor elſewhere: not that the ſtatute roll of that time is loſt, but no entry of ſuch ſtatute in latin appears thereon[n]. The firſt time it occurs in print, to the editor's knowlege, is in the *Secunda pars veterum ſtatutorum*, printed by Thomas Berthelet *A. D.* 1532[o]; for it is taken no notice of in the old abridgment of the ſtatutes, which was printed about the reign of Edward the fourth by Lettou and Machlinia, and was probably compiled ſomewhat earlier, as the lateſt ſtatute therein abridged is 33 Hen. VI. chap. 13[p]. And yet that abridgment has an abſtract of the ſtatute *de confirmatione cartarum, alias dict' ſuperaddicio cartarum*, wherein the emphatical word *tieu* is left out[q]: which ſhews

A.D. 1297. 26 *Edw. I.*

[m] 1 Dugd. Monaſt. 447.
[n] 3 Pryn. 742.
[o] fol. 39.
[p] Under title *Laborers.*
[q] Under title *Taxes.* — *qe pur null- cuſtumez. beſoigne null manere dez aidez myſez ne priſez de noſtre rialme ne prendroms forſqe par commune aſſent de tout le royalme ſalvez les auncienz aidez dutz &*

that

A.D. 1297. 26 Edw. I. that not quite ſo much ſtreſs was laid upon upon it antiently, as at the time of M. Hampden's trial. And with regard to the omiſſion of the ſaving clauſe, (which muſt certainly be underſtood to relate to the antient feodal aids, *pur file marier, pur faire fitz chivalier, &c.*) we may obſerve that, notwithſtanding this ſuppoſed ſtatute which is conſtrued by ſuch omiſſion to have abridged them all, king Edward himſelf in the year 1306 impoſed an aid on his ſubjects for knighting his eldeſt ſon; and in the writs of ſummons to the parliament, which he held to conſult about the manner of levying it, he expreſsly claims it to be due in right of his crown [r]. In like manner the ſaving in the *Confirmatio cartarum* of the cuſtoms on wool, ſkins, and leather, before granted, is omitted in the ſuppoſed ſtatute *de tallagio*; and yet there is no doubt but that theſe were hereditary in the crown for ages after Edward the firſt [s]. Wherefore it ſeems upon the whole that there is great reaſon to queſtion the authenticity of this dubious act of parliament, otherwiſe than as a cotemporary latin abſtract of the two french charters, intended (however imperfectly exe-

[r] *De jure corone in hujuſmodi caſu auxilium fieri nobis debet.* *Clauſ.* 34 *Edw. I. m.* 15. *d. cedula.* printed in 2 Rym. 986, 987.

[s] Dyer. 43. 165. 2 Inſt. 59.

cuted)

cuted) to expreſs the ſelf-ſame meaning in another language. *A.D.*1297. 26*Edw.I.*

HOWEVER, notwithſtanding the ſecurity thus given, the two earls ſeem ſtill to have retained their ſuſpicions of the king's ſincerity; and therefore at Carliſle, about Whitſontide *A. D.* 1298, they demanded that the king ſhould renew his confirmation of the charters at home; leſt, as the former was ſealed in a foreign country, a pretence ſhould be thence formed for breaking through it: and they alſo inſiſted, that a perambulation ſhould be appointed to ſettle the boundaries of the foreſt. Both theſe the king's friends engaged ſhould be done on his return from the expedition into Scotland [t]: and accordingly he confirmed the charters in a parliament holden the 8th of March, being the firſt Sunday in the lent following, at London [u], with a ſaving of the rights of his crown [w]; and directed writs to the ſeveral ſheriffs, on the 26th of March and 2d of April, reciting all the articles of the foreſt charter *verbatim*, (the five firſt chapters relating to the deafforeſtations excepted) commanding thoſe articles and the great charter in all points to be ob- *A.D.*1298. 27*Edw.I.* *A.D.*1299.

[t] Hemingf. Walſingh.
[u] *Clauſ.* 27 *Edw. I. m.* 18. *d.*
[w] Hemingf. Walſingh. Trivet. Matth. Weſtm.

ſerved,

A.D. 1299. 27 Edw. I. served, and promising that a perambulation should be had, as soon as his affairs were settled at the court of Rome. These related to the pope's award between him and king Philip of France; and were so arduous, he said, as entirely to employ his attention, since they affected himself, his whole realm, and all christendom [x]. But, finding the people discontented at this partial and reserved confirmation, he is said to have at length confirmed the two charters, absolutely and without any restriction, in another parliament holden about the beginning of the ensuing May [y].

The people, notwithstanding, being dissatisfied that these confirmations were hitherto only verbal, while the promised perambulation was delayed, (without which it was impracticable to deafforest the former encroachments) the king issued writs in the french or vulgar tongue, dated the 25th of June; complaining that he was too hardly pressed; declaring the reasons of his delay through the great and urgent business in which he was necessarily engaged, which would be finished in the middle of July; observing that it would

[x] *Clauſ.* 27 *Edw. I. m.* 17. *d. Stat.* 27 *Edw. I. m.* 37. printed in 3 Pryn. 842, 843, 844.

[y] 2 Brad. 65. Trivet. Hemingf. Walſingh.

be

be inconvenient to the public to set about the perambulation in the time of harvest; but promising that the perambulators should rendezvous at Northampton by Michaelmas day at fartheſt; and therefore requesting the people not to believe any malicious reports to the contrary, which were only calculated to sow strife and debate between the king and his subjects. These writs were sent to every sheriff in England, inclosed in another in latin, commanding him to publish them in every city, borough, market-town, and other place of public resort [z]. *A.D.* 1299. 27 *Edw. I.*

In the next spring, at another parliament holden at London on the 16th of March, the two charters were again confirmed by the statute called *Articuli super cartas*; wherein it was provided that three knights or principal freeholders should be elected in every county, who, or any two of them, were empowered to see the charters duly executed, and to punish offenders against them by imprisonment, ransom, and amercement; for which purpose writs were issued on the 27th of March to every county in England, commanding them to proceed to such election [a]. 28 *Edw. I.* *A.D.* 1300.

[z] *Bundel. brev.* 27 *Edw. I.* printed in 3 Pryn. 810.

[a] *Clauſ.* 28 *Edw. I. m.* 11. *d.* printed in 3 Pryn. 848.

Many

A.D. 1300. 28 *Edw. I.* Many additional liberties were alſo granted by this ſtatute, extending the whole to the number of twenty chapters; which, bearing little or no relation to thoſe which were before granted in the two charters, are not comprized in the enſuing collection; wherein the firſt part, which alone has reſpect to the charters, is printed from the ſtatute-roll in the tower of London [b].

In this there is a direction, that the charters ſhall be ſent to the ſheriffs of every county under the king's ſeal, and be read in full county court four times in every year. In order to which the charters of *Inſpeximus*, 28 March *A. D.* 1300, 28 Edw. I, were made; of which ſome ſtill remain at Durham, Weſtminſter, and Oriel college, and they are alſo upon record at the tower; from whence the various readings are taken which are ſubjoined to each charter reſpectively [c]. And writs of the ſame date, for that purpoſe, were ſent with them to every ſheriff in England [d]; as likewiſe on the 15th of April were other writs, for proclaiming the new articles

[b] *Stat.* 28 *Edw. I. m.* 35. See pag. 128.

[c] pag. 73 and 93. There is alſo one at Appleby in Weſtmorland, of which an account is given in fol. lxxiv. note v.

[d] *Clauſ.* 28 *Edw. I. m.* 8. *d.* printed in 3 Pryn. 848.

ſuper-

ſuperadded by this parliament to the charters [e]. A.D. 1300. 28 Edw. I.

MEANTIME there is reaſon to ſuppoſe, that the perambulators of the foreſt met at Northampton about Michaelmas in the year preceding, and there ſettled their plan of operations for the enſuing ſpring; for on the 1st of April the king iſſued writs to them reſpectively to begin the perambulation in all the foreſt-counties [f]: and on the 10th of May he granted commiſſions to the knights elected in purſuance of the *Articuli ſuper cartas*; appointing them his juſtices, and arming them with proper powers for the due execution of the two charters, and of the ſtatute of Wincheſter, which was paſſed in the thirteenth year of his reign and now newly republiſhed [g].

[e] *Clauſ.* 28 *Edw. I. m.* 7. *d.* printed in 3 Pryn. 848. 2 Rym. 863.

[f] *Clauſ.* 28 *Edw. I. m.* 8. *d.* printed in 3 Pryn. 849.

Rex dilecto et fideli ſuo Rogero de Brabazon ſalutem Cum aſſignavimus vos una cum quibuſdam aliis fidelibus noſtris ad perambulationem in foreſtis noſtris infra comitatus noſtros Salop' &c faciendam Vobis mandamus quod ſitis Lichfeld' in craſtino aſcentionis Domini proximo futuro parati exinde cum dictis fidelibus noſtris proficiſci ad perambulationem illam faciendam quibus mandavimus quod tunc ad hoc faciendum modis omnibus perſonaliter ſint ibidem Et hoc nullo modo omittatis ita quod per veſtrum defectum expeditio dicti negotii infecta non remaneat quoquo modo Teſte rege apud Weſtm' primo die Aprilis.

[g] *Pat.* 28 *Edw. I. m.* 14. printed in 3 Pryn. 850, &c.

THE

A.D. 1300. 28 Edw. I.

THE perambulations being finiſhed in the ſummer, king Edward on the 26th of September iſſued writs of ſummons [h] for a par-

[h] *Clauſ. 28 Edw. I. m. 3. d.*

Rex vicecomiti Cumbr' ſalutem. Cum nuper pro communi utilitate populi regni noſtri conceſſimus quod carta de foreſta in ſingulis ſuis articulis firmiter obſervaretur aſſignando quoſdam de fidelibus noſtris in ſingulis comitatibus ejuſdem regni in quibus foreſte noſtre exiſtant ad perambulationem in eiſdem foreſtis faciend' ita quod perambulationem illam diſtincte et aperte factam ad nos antequam aliqua executio vel aliquid aliud inde fieret reportarent et quod juramentum noſtrum jus corone Anglie rationes et calumpnie noſtre nec [non] jus rationes et calumpnie aliorum omnia ſalva forent. Nos licet dilecti fideles noſtri nunc primo ad nos detulerunt quod fecerunt in negocio memorato quia tamen prelati comites barones et ceteri magnates dicti regni (in quorum preſencia noſtras et aliorum proponi et audiri volumus rationes et de quorum conſilio in eodem negocio prout alias diximus intendimus operari maxime cum ipſi ad obſervand' et manutenend' jura regni ac corone predicte una nobiſcum juramenti vinculo ſunt aſtricti) juxta latus noſtrum tunc temporis non fuerunt ac pro eo ſimiliter quod illi qui ſuas rationes quatenus illud negotium illos tangit proponere debeant inde premuniti non erant eidem negocio ſine ipſorum conſilio finem imponere non potuimus bono modo. Et quia negocium illud quantum poſſumus cupimus maturari ita quod per nos non fiet abſque ulterioris dilationis incommodo [quin] effectum debitum ſortiatur volentes cum prelatis comitibus baronibus et magnatibus ſupradictis ac aliis de communitate dicti regni ſuper hoc et quibuſdam aliis arduis negotiis nos et ſtatum regni predicti tangentibus habere colloquium et tractatum. Tibi precipimus quod firmiter injungendo quod venire facias coram nobis ad parliamentum noſtrum apud Linc' in octabis ſancti Hillarii proximo futur' duos milites de balliva tua illos videlicet qui pro communitate comitatus predicti ad parliamentum noſtrum ultimo preteritum per preceptum noſtrum venerunt et etiam de qualibet civitate infra ballivam tuam eoſdem cives et de quolibet burgo eoſdem burgenſes qui ad predictum parliamentum noſtrum alias ſic venerunt. Et ſi forte aliquis militum civium vel burgenſium predictorum mortuus fuerit aut infirmus per quod ad dictos diem et locum venire nequiverit tunc loco illius mortui aut infirmi unum alium idoneum ad hoc eligi et ad dictum parliamentum noſtrum venire facias ita quod milites cives et burgenſes predicti dictis die et loco modis omnibus interſint cum plena poteſtate audiendi et faciendi ea que ibidem in premiſſis negotiis ordinari contingent pro communi commodo dicti regni. Et eiſdem militibus de communitate comitatus predicti civibus de civitatibus et burgenſibus de burgis predictis rationabiles expenſas ſuas habere facias in veniendo ad dictum parliamentum noſtrum ibidem morando et etiam redeundo. Tibi inſuper precipimus ſicut prius quod per totam ballivam tuam ſine dilatione publice facias proclamari quod omnes illi qui terras aut tenementa habeant infra metas foreſte noſtre in balliva tua et qui perambulatio-

nem

liament to meet on the 20th of January at Lincoln, to receive the report of the commiſſioners; in which he directs the members of the laſt parliament, if living and capable of that ſervice, to be returned, and notice to be given in the ſeveral foreſt-counties, for all perſons concerned to appear at the ſame time and place, and ſhew cauſe (if they had any) why the perambulations ſhould not be confirmed. In conſequence whereof it appears, that the ſeveral perambulations which had been made before the king's juſtices, by the oath of a jury, and in the preſence of the foreſters and verderors, were in that parliament examined and finally approved. And the commonalty of the realm having granted the king a fifteenth upon this occaſion, he on the 14th of February by his letters patent confirmed theſe perambulations, and ordained them to remain as a ſtanding evidence of the

*A.D.*1306. 28*Edw.I.*

29*Edw.I.*

nem in aliquo calumpniari voluerint quod ſint coram nobis in parliamento noſtro predicto oſtenſuri in hac parte rationes ſuas et calumpnias ſi quas habent Et habeas ibi nomina predictorum militum civium et burgenſium et hoc breve Teſte rege apud la Roſe xxvj die Septembris.

Conſimiles litere diriguntur vicecomitibus ſubſcriptis in quorum comitatibus foreſte exiſtunt videlicet Weſtmerl' Eborum Notingham' Derb' Northt' Buk' Hunt' Eſſex' Surr' Sutht' Wylt' Sumers' Dors' Devon' Glouc' Wygorn' Hereford' Rotelland' Oxon' Salop' Stafford' Warr'.

Rex vicecomiti Linc' ſalutem Cum nuper pro communi utilitate &c ut ſupra uſque ibi "pro communi commodo "dicti regni" *Et habeas ibi nomina predictorum militum civium et burgenſium et hoc breve T. R. ut ſupra.*

Eodem modo mandatum eſt vicecomitibus ſubſcriptis in quorum comitatibus non ſunt foreſte videlicet Norff' Suff' Cantebr' Bed' Kanc' Suſſex' Midd' Leyc' Northumbr' Cornub' Lanc' Hertford'.

boundaries

A.D. 1300. 29 Edw. I. boundaries of the foreſt in every county for ever [i].

[i] It may be matter of curioſity to obſerve the form of theſe perambulations to eſtabliſh the bounds of the foreſts; for which purpoſe a foreſt is here ſelected, which has no longer any exiſtence, but is now converted into private property.

Rot. Perambulationum foreſtarum 29 Edw. I. m. 8.

Rex omnibus ad quos &c Sciatis quod cum communitas regni noſtri nobis conceſſerit quintam decimam omnium bonorum ſuorum mobilium que habebunt in feſto ſancti Michaelis proximo futuro extunc taxandorum que quidem quintadecima poſt hujuſmodi taxationem colligi debet levari et fideliter nobis ſolvi Volumus et concedimus pro nobis et heredibus noſtris quod perambulationes facte coram dilecto et fideli noſtro Rogero le Brabazon et ſociis ſuis ad hoc aſſignatis per preceptum noſtrum de foreſtis noſtris in comitatu Oxon' de cetero teneantur et obſerventur per metas et bundas contentas in eiſdem perambulationibus quarum tenor de verbo ad verbum ſequitur in hunc modum

Perambulatio foreſtarum comitatus Oxon' facta coram dominis Rogero le Brabazun Radulfo de Hengham et Willielmo Inge juſticiariis domini regis ad dictam perambulationem faciendam aſſignatis in preſentia foreſtariorum et viridariorum foreſtarum predictarum die dominica in vigilia beati Petri in cathedra anno regni regis Edwardi viceſimo octavo per ſacramentum Johannis filii Guidonis Fulconis de Rucote Thome de Parco Willielmi de Sharebroke Henrici de Bruylly Gilberti de Gaye Ricardi de Cauñe Johannis de la Hide Hugonis de Barton Stephani de Abendon Johannis de Haddon Roberti de Stok' Roberti de Romeny junioris Ricardi de Cornewell Radulfi de Sutton Henrici le Eſpicer de Cheping-Norton Walteri Heſel de Lillingeſton Roberti Neel de Wode Pyrte Nicholai Broun junioris Radulfi de la Hide Willielmi Bernard Johannis de Honyngton de Chadelyngton Ade de Dounhalle et Roberti de Aſtcote Qui dicunt ſuper ſacramentum ſuum quod foreſta de Schotovere incipit ad molendinum quod vocatur Soteleſcote Mulle et ſic per le Meredich' quod eſt inter dominicum boſcum domini regis de Hedingdon et terram Johannis de Ellesfeld includendo foreſtam ex parte dextra per omnes bundas et metas ſubſcriptas et excludendo extra foreſtam ex parte ſiniſtra totum reſiduum et ſic uſque Stonibrigge et ſic per le Meredich uſque Edenebrok et ſic uſque le bunden' quod vocatur Enſegrovemere quod eſt inter campum de Elſefeld et campum de Wyk et ſic uſque Stodfold et ſic uſque le Brech' et ſic uſque le Brecheburne quod eſt inter boſcum domini regis quod vocatur Stowode et le Breche de Elſefeld et ſic per foſſatum uſque Eldendon et ſic uſque Bicheweyeſende et ſic uſque Beckeleſtile et ſic per haiam uſque Hangereſende per boſcum de Elſefeld et ſic inter boſcum de Wode Eton et Stowode uſque Kingeſok' et ſic uſque Dudeweyſende apud la lake que vocatur Wode Eton Ho et ſic uſque Longerudyngeſende que eſt inter Stowode et Coiv Alix et ſic uſque Braddenebrigg' et ſic uſque Thremeren inter Stowode et boſcum Henrici Tyeys et boſcum abbatis de Weſtm' et ſic uſque cornerum del Parkeres Breche de Beckele et ſic uſque le Dichende de Beckele et ſic directe per hayam perſone de Beckele uſque Stowode mere et ſic uſque Beckelebach et ſic

A.D. 1300. 29 Edw. I.

At the same time the king, by his letters patent, confirmed the two charters; with a

sic per hayam Bantereſhale et ſic per hayam uſque le Brecheſburn ad capud boſci Johannis de ſancto Johanne et ſic uſque le Merethorn inter campum de Staunton et Wik et ſic uſque Baſtardescroft de Stoford et ſic per foſſatum dicti croſti uſque ad pontem de Stoford et ſic per foſſatum inter campum de Hedindon et campum de Forſthull et ſic uſque Sanden et ſic per foſſatum inter campum de Forſthull et Schotovere uſque Lynhale et ſic uſque Biyondebrok inter boſcum domini regis et boſcum de Forſthull et ſic uſque Wodemanneſhull et ſic uſque Farnwellebrok atte Groveſhend et ſic uſque Halenghtonhach et ſic uſque Mintenhale et ſic uſque Banſtakebrok Netherende et ſic per foſſatum uſque Kingeſwodebrok et ſic uſque ad capud inferius de Akemere juxta Kingswodebrok uſque le Rededich aſcendendo uſque ad boſcum de Templo et ſic deſcendendo per boſcum Templi uſque le Mereweye que extendit juxta Schottovere et ſic uſque Akemerebrok et ſic uſque dictum le Rededich inter boſcum Johannis de Scacc'io et boſcum de Templo uſque Rededicheſende et ſic deſcendendo uſque Akemerewelle et ſic uſque le Mereweye juxta boſcum de Schotovere et ſic per le Mereweye inter boſcum de Schotovere et Horſpathe et ſic uſque ad ſummum capud de Akemere et ſic uſque Chalſte per le Merehegg' inter Pyriehale et Chalſte et ſic uſque viam regiam que ducit verſus Oxon' et ſic per eandem viam regiam uſque parvum pontem de Oxon' et ſic uſque Charewell et ſic per Charewelle uſque ad molendinum quod vocatur Soteleſcote Mulle Et dicunt predicti juratores quod boſcus de Elſefeld qui modo eſt Johannis de Elſefeld et boſcus de Wode Eton qui eſt abbatis de Eyneſham et boſcus de Cow-Aliz qui eſt abbatis de Weſtm' et boſcus del Hok' qui eſt Henrici Tyeys et boſcus de Forſthull qui eſt abbatis de Oſeneye et prioriſſe de Stodleye et boſcus de Schawe qui eſt abbatis de Abendon et boſcus de Horſpathe qui eſt magiſtri milicie templi in Anglia et boſcus de Chalſte qui eſt ejuſdem magiſtri milicie et boſci de Hornle et Sydele in Stanton qui ſunt Johannis de ſancto Johanne fuerunt afforeſtati poſt coronationem domini H. regis proavi domini regis nunc ad tale dampnum videlicet quod nec ipſi nec eorum anteceſſores ſeu predeceſſores poſt tempus predictum uſque nunc nichil de boſcis predictis capere potuerunt niſi per liberationem foreſtariorum et ad eorundem foreſtariorum voluntatem nec aliud proficuum de eiſdem boſcis recipere ſicut prius habere et facere conſueverunt ante tempus coronatisnis domini H. regis predicti abſque attachiamento et impedimento foreſtariorum predictorum Et dicunt omnes predictos boſcos eſſe afforeſtatos poſt coronationem domini H. regis proavi domini regis nunc prout intellexerunt et intelligunt ex relatu anteceſſorum ſuorum et aliorum proborum hominum et per communem famam patrie et per omnes villatas eidem foreſte propinquius adjacentes In cujus rei teſtimonium predicti jurati ſigilla ſua appoſuerunt

Ita quod quicquid per iſtas perambulationes ponitur extra foreſtam remaneat extra foreſtam et reſiduum remaneat foreſta ſecundum metas et bundas predictas imperpetuum In cujus rei teſtimonium has literas noſtras fieri fecimus patentes Teſte rege apud Lincoln' xiiij die Februarii.

ſpecial

A.D. 1300. 29 Edw. I. special proviso, that, if any thing had been enacted contrary to their true sense and meaning, it should be remedied or even annulled by the common consent of the realm. An original of this charter, with the great seal in white wax appendant thereto, (being in breadth nine inches and an half, and in length five inches and a quarter including the fold for the label) is extant in the Bodleian library among M. Furney's charts, from whence the following copy [k] is exactly printed; and the device of the seal, with the imperfections shaded, may be seen in page 133, and of the counter-seal in page 135. There is another of these charters in the archives of Christ-church in Oxford; and M. Prynne mentions [l] four, that he had found in the tower of London.

This seems to have been the final and complete establishment of the two charters, of liberties and of the forest: which, from their first concession under king John *A. D.* 1215, had been often endangered, and undergone very many mutations, for the space of near a century; but were now fixed upon an eternal basis, having in all, before and since this time, (as sir Edward Coke observes [m]) been

[k] pag. 131.
[l] 3 Pryn. 855.
[m] 2 Inst. proëm.

been eſtabliſhed, confirmed, and commanded to be put in execution, by two and thirty ſeveral acts of parliament [n].

AND, having thus traced the two charters from their original in Runingmede (if not earlier) to this their laſting ſettlement, it is now time to put a period to this hiſtorical diſcourſe; which, through the multitude of facts and records appealed to, hath ſwoln to a greater bulk than the editor expected when firſt he undertook to compile it. In conſequence of thoſe facts and records he hath been obliged to differ very frequently, (more frequently indeed than is taken notice of) not only from the monaſtic writers and ſuch as have implicitly followed them, but alſo from later hiſtorians of a very different character;

[n] It is true, that the apprehenſions of the people were again raiſed, when king Edward, 29 Dec. *A. D.* 1305, obtained a bulle from pope Clement the fifth, annulling all the conceſſions that had been extorted from him with relation to the foreſts and other liberties; (2 Rym. 978.) and releaſing him from his oaths, and other ſpiritual ties, by which he was engaged to obſerve them. But the only uſe he made of it (according to Brady, 2 Hiſt. 84; and Carte, 2 Hiſt. 292.) was to ſhew his magnanimity; in that being now abſolved from all manner of obligation, according to the caſuiſtry of the times, he thought proper of his own freewill, and without any compulſion, to confirm and enlarge very many of theſe conceſſions by the ordinance of the foreſt, which he publiſhed on the 27th of May in the following year. And yet (as Tyrrel very juſtly obſerves, 3 Hiſt. 170.) he, by chapter 5 of this very ordinance, abſolutely revoked and annulled the deafforeſtation, which was before ſo ſolemnly agreed to; though it does not appear that he ever in fact attempted any thing afterwards, in breach of the two charters granted by his father, and ſo often confirmed by himſelf.

who were endued with more learning and induſtry, and wrote from more authentic materials. The reflexion which muſt naturally ariſe from hence is this; that, ſince men of great abilities have failed in point of accuracy through the extenſiveneſs of the plan which they have purſued, we may conclude that the compiling and digeſting of a general and complete hiſtory of England is a burthen too heavy to be undertaken by any ſingle man, however ſupereminently qualified; but that, if ever ſuch a work is ſucceſsfully performed, it muſt be carried on by the joint endeavours of individuals, each of them attentive to detached parts of it, which may afterwards be woven together into one uniform whole. That taſk may be reſerved for ſome maſterly and comprehenſive genius, elegant in his ſtile, faithful in his narration, able and impartial in his judgment: who, being poſſeſſed of a thorough inſight into the riſe and gradual improvements of the conſtitution and laws of this kingdom, the frequent revolutions of it's eccleſiaſtical and civil polity, the different manners of it's people at different periods of time, and it's general connexions and commerce with foreign nations, and being accurately ſupplied with particular facts and occurrences by the laborious re-

ſearches

ſearches of others, might regulate and bring to perfection in a finiſhed degree this great and extenſive work; though he wanted that critical attention to dates, and names, and other minuter circumſtances, which would be requiſite in thoſe who ſhould act in the ſubordinate departments. If what the editor of theſe ſheets has collected, with regard to the original, progreſs, and eſtabliſhment of the two great charters of liberties, can in any ſhape contribute to illuſtrate this important part of our engliſh juridical hiſtory, he ſhall think that he has not altogether thrown away the labour and time, which have been beſtowed upon theſe enquiries.

MAGNA CARTA.

CARTA DE FORESTA.

MAGNA CARTA,

CARTA DE FORESTA,

ETC.

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ARTICULI

MAGNE CARTE LIBERTATUM

SUB SIGILLO REGIS

JOHANNIS.

ISTA ſunt capitula que barones petunt et dominus rex concedit

POST deceſſum anteceſſorum heredes plene etatis habebunt hereditatem ſuam per antiquum relevium exprimendum in carta 1

§. Heredes qui infra etatem ſunt et fuerint in cuſtodia cum ad etatem pervenerint habebunt hereditatem ſuam ſine relevio et fine 2

§. Cuſtos terre heredis capiat rationabiles exitus conſuetudines et ſervitia ſine deſtructione et vaſto hominum et rerum ſuarum et ſi cuſtos terre fecerit deſtructionem 3

et vaſtum amittat cuſtodiam et cuſtos ſuſtentabit domos parcos vivaria ſtagna molendina et cetera ad terram illam pertinentia de exitibus terre ejuſdem et ut heredes ita maritentur ne diſparagentur et per conſilium propinquorum de conſanguinitate ſua

4 §. Ne vidua det aliquid pro dote ſua vel maritagio poſt deceſſum mariti ſui ſed maneat in domo ſua per xl dies poſt mortem ipſius et infra terminum illum aſſignetur ei dos et maritagium ſtatim habeat et hereditatem ſuam

5 §. Rex vel ballivus non ſaiſiet terram aliquam pro debito dum catalla debitoris ſufficiunt nec plegii debitoris diſtringantur dum capitalis debitor ſufficit ad ſolutionem ſi vero capitalis debitor defecerit in ſolutione ſi plegii voluerint habeant terras debitoris donec debitum illum perſolvatur plene niſi capitalis debitor monſtrare poterit ſe eſſe inde quietum erga plegios

6 §. Rex non concedet alicui baroni quod capiat auxilium de liberis hominibus ſuis niſi ad corpus ſuum redimendum et ad faciendum primogenitum filium ſuum militem et ad primogenitam filiam ſuam ſemel maritandam et hoc faciet per rationabile auxilium

7 §. Ne aliquis majus ſervitium faciat de feodo militis quam inde debetur

§. Ut

§. Ut communia placita non ſequantur curiam domini regis ſed aſſignentur in aliquo certo loco et ut recognitiones capiantur in eiſdem comitatibus in hunc modum ut rex mittat duos juſticiarios per iiij^{or} vices in anno qui cum iiij^{or} militibus ejuſdem comitatus electis per comitatum capiant aſſiſas de nova diſſaiſina morte anteceſſoris et ultima preſentatione nec aliquis ob hoc ſit ſummonitus niſi juratores et due partes 8

§. Ut liber homo amercietur pro parvo delicto ſecundum modum delicti et pro magno delicto ſecundum magnitudinem delicti ſalvo continemento ſuo villanus etiam eodem modo amercietur ſalvo waynagio ſuo et mercator eodem modo ſalva marcandiſa per ſacramentum proborum hominum de viſneto 9

§. Ut clericus amercietur de laico feodo ſuo ſecundum modum aliorum predictorum et non ſecundum beneficium eccleſiaſticum 10

§. Ne aliqua villa amercietur pro pontibus faciendis ad riparias niſi ubi de jure antiquitus eſſe ſolebant 11

§. Ut menſura vini bladi et latitudines pannorum et rerum aliarum emendetur et ita de ponderibus 12

§. Ut aſſiſe de nova diſſaiſina et de morte anteceſſoris abbrevientur et ſimiliter de aliis aſſiſis 13

14 §. Ut nullus vicecomes intromittat ſe de placitis ad coronam pertinentibus ſine coronatoribus et ut comitatus et hundreda ſint ad antiquas firmas abſque nullo incremento exceptis dominicis maneriis regis

15 §. Si aliquis tenens de rege moriatur licebit vicecomiti vel alii ballivo regis ſeiſire et imbreviare catallum ipſius per viſum legalium hominum ita tamen quod nichil inde moveatur donec plenius ſciatur ſi debeat aliquod liquidum debitum domino regi et tunc debitum regis perſolvatur reſiduum vero relinquatur executoribus ad faciendum teſtamentum defuncti et ſi nichil regi debetur omnia catalla cedant defuncto

16 §. Si aliquis liber homo inteſtatus deceſſerit bona ſua per manum proximorum parentum ſuorum et amicorum et per viſum eccleſie diſtribuantur

17 §. Ne vidue diſtringantur ad ſe maritandum dum voluerint ſine marito vivere ita tamen quod ſecuritatem facient quod non maritabunt ſe ſine aſſenſu regis ſi de rege teneant vel dominorum ſuorum de quibus tenent

18 §. Ne conſtabularius vel alius ballivus capiat blada vel alia catalla niſi ſtatim denarios inde reddat niſi reſpectum habere poſſit de voluntate venditoris

19 §. Ne conſtabularius poſſit diſtringere aliquem militem ad dandum denarios pro cuſtodia

cuſtodia caſtri ſi voluerit facere cuſtodiam illam in propria perſona vel per alium probum hominem ſi ipſe eam facere non poſſit per rationabilem cauſam et ſi rex eum duxerit in excercitum ſit quietus de cuſtodia ſecundum quantitatem temporis

§. Ne vicecomes vel ballivus regis vel 20
aliquis alius capiat equos vel carettas alicujus liberi hominis pro cariagio faciendo niſi ex voluntate ipſius

§. Ne rex vel ballivus ſuus capiat alienum 21
boſcum ad caſtra vel ad alia agenda ſua niſi per voluntatem ipſius cujus boſcus ille fuerit

§. Ne rex teneat terram eorum qui fuerint 22
convicti de felonia niſi per unum annum et unum diem ſed tunc reddatur domino feodi

§. Ut omnes kidelli de cetero penitus 23
deponantur de Tamiſia et Medewaye et per totam Angliam

§. Ne breve quod vocatur Precipe de ce- 24
tero fiat alicui de aliquo tenemento unde liber homo amittat curiam ſuam

§. Si quis fuerit diſſeiſitus vel prolonga- 25
tus per regem ſine judicio de terris libertatibus et jure ſuo ſtatim ei reſtituatur et ſi contentio ſuper hoc orta fuerit tunc inde diſponatur per judicium xxv baronum et ut illi qui fuerint diſſaiſiti per patrem vel fratrem regis rectum habeant ſine dilatione per judicium parium ſuorum in curia regis et ſi

rex

rex debeat habere terminum aliorum cruce ſignatorum tunc archiepiſcopus et epiſcopi faciant inde judicium ad certum diem appellatione remota

26 §. Ne aliquid detur pro brevi inquiſitionis de vita vel membris ſed libere concedatur ſine precio et non negetur

27 §. Si aliquis tenet de rege per feodi firmam per ſokagium vel per burgagium et de alio per ſervitium militis dominus rex non habebit cuſtodiam militum de feodo alterius occaſione burgagii vel ſokagii nec debet habere cuſtodiam burgagii ſokagii vel feodi firme et quod liber homo non amittat militiam ſuam occaſione parvarum ſergantiſarum ſicuti de illis qui tenent aliquod tenementum reddendo inde cuttellos vel ſagittas vel hujuſmodi

28 §. Ne aliquis ballivus poſſit ponere aliquem ad legem ſimplici loquela ſua ſine teſtibus fidelibus

29 §. Ne corpus liberi hominis capiatur nec impriſonetur nec diſſaiſietur nec utlagetur nec exuletur nec aliquo modo deſtruatur nec rex eat vel mittat ſuper eum vi niſi per judicium parium ſuorum vel per legem terre

30 §. Ne jus vendatur vel differratur vel vetitum ſit

31 §. Quod mercatores habeant ſalvum ire et venire ad emendum vel vendendum ſine omni-

omnibus malis toltis per antiquas et rectas
consuetudines

§. Ne scutagium vel auxilium ponatur in 32
regno nisi per commune consilium regni nisi
ad corpus regis redimendum et primogenitum filium suum militem faciendum et filiam suam primogenitam semel maritandam et ad hoc fiat rationabile auxilium simili modo fiat de taillagiis et auxiliis de civitate London' et de aliis civitatibus que inde habent libertates et ut civitas London' plene habeat antiquas libertates et liberas consuetudines suas tam per aquas quam *per terras*

§. Ut liceat unicuique exire de regno et 33
redire salva fide domini regis nisi tempore
werre per aliquod breve tempus propter
communem utilitatem regni

§. Si quis mutuo aliquid acceperit a Ju- 34
deis plus vel minus et moriatur antequam
debitum illud solvatur debitum non usurabit
quamdiu heres fuerit infra etatem de quocumque teneat et si debitum illud inciderit
in manum regis rex non capiet nisi catallum
quod continetur in carta

§. Si quis moriatur et debitum debeat 35
Judeis uxor ejus habeat dotem suam et si liberi remanserint provideantur eis necessaria
secundum tenementum et de residuo solvatur debitum salvo servitio dominorum simili
modo fiat de aliis debitis et ut custos terre

reddat

reddat heredi cum ad plenam etatem pervenerit terram ſuam inſtauratam ſecundum quod rationabiliter poterit ſuſtinere de exitibus terre ejuſdem de carucis et wainnagiis

36 §. Si quis tenuerit de aliqua eſkaeta ſicut de honore Walingeford Notingeham Bonon' et Lankaſtr' et de aliis eſkaetis que ſunt in manu regis et ſunt baronie et obierit heres ejus non dabit aliud relevium vel faciet regi aliud ſervitium quam faceret baroni et ut rex eodem modo eam teneat quo baro eam tenuit

37 §. Ut fines qui facti ſunt pro dotibus maritagiis hereditatibus et amerciamentis injuſte et contra legem terre omnino condonentur vel fiat inde per judicium xxv baronum vel per judicium majoris partis eorumdem una cum archiepiſcopo et aliis quos ſecum vocare voluerit ita quod ſi aliquis vel aliqui de xxv fuerint in ſimili querela amoveantur et alii loco illorum per reſiduos de xxv ſubſtituantur

38 §. Quod obſides et carte reddantur que liberate fuerunt regi in ſecuritatem

39 §. Ut illi qui fuerint extra foreſtam non veniant coram juſticiariis de foreſta per communes ſummonitiones niſi ſint in placito vel plegii fuerint et ut prave conſuetudines de foreſtis et de foreſtariis et warrenniis et vicecomitibus

comitibus et rivariis emendentur per xii milites de quolibet comitatu qui debent eligi per probos homines ejudem comitatus

§. Ut rex amoveat penitus de balliva pa- 40
rentes et totam ſequelam Gerardi de Atyes quod de cetero balliam non habeant ſcilicet Engelardum Andream Petrum et Gyonem de Cancell' Gyonem de Cygon' Matheum de Martiny et fratres ejus et Galfridum nepotem ejus et Philippum Mark

§. Et ut rex amoveat alienigenas milites 41
ſtipendiarios baliſtarios et ruttarios et ſervientes qui veniunt cum equis et armis ad nocumentum regni

§. Ut rex faciat juſticiarios conſtabularios 42
vicecomites et ballivos de talibus qui ſciant legem terre et eam bene velint obſervare

§. Ut barones qui fundaverunt abbatias 43
unde habent cartas regum vel antiquam tenuram habeant cuſtodiam earum cum vacaverint

§. Si rex Walenſes diſſaiſierit vel elonga- 44
verit de terris vel libertatibus vel de rebus aliis in Anglia vel in Wallia eis ſtatim ſine placito reddantur et ſi fuerint diſſaiſiti vel elongati de tenementis ſuis Anglie per patrem vel fratrem regis ſine judicio parium ſuorum rex eis ſine dilatione juſticiam exhibebit eo modo quo exhibet Anglicis juſticiam de tenementis ſuis Anglie ſecundum legem Anglie

et

et de tenementis Wallie ſecundum legem Wallie et de tenementis marchie ſecundum legem marchie idem facient Walenſes regi et ſuis

45 §. Ut rex reddat filium Lewelini et preterea omnes obſides de Wallia et cartas que ei liberate fuerunt in ſecuritatem pacis - - -

46 §. Ut rex faciat regi Scottorum de obſidibus reddendis et de libertatibus ſuis et jure ſuo ſecundum formam quam facit baronibus Anglie

niſi aliter eſſe debeat per cartas quas rex habet per judicium archiepiſcopi et aliorum quos ſecum vocare voluerit

47 §. Et omnes foreſte que ſunt aforeſtate per regem tempore ſuo deafforeſtentur et ita fiat de ripariis que per ipſum regem ſunt in defenſo

48 §. Omnes autem iſtas conſuetudines et libertates quas rex conceſſit regno tenendas quantum ad ſe pertinet erga ſuos omnes de regno tam clerici quam laici obſervabunt quantum ad ſe pertinet erga ſuos

49 §. Hec eſt forma ſecuritatis ad obſervandum pacem et libertates inter regem et regnum

num Barones eligent xxv barones de regno quos voluerint qui debent pro totis viribus ſuis obſervare tenere et facere obſervari pacem et libertates quas dominus rex eis conceſſit et carta ſua confirmavit ita videlicet quod ſi rex vel juſticiarius vel ballivi regis vel aliquis de miniſtris ſuis in aliquo erga aliquem deliquerit vel aliquem articulorum pacis aut ſecuritatis tranſgreſſus fuerit et delictum oſtenſum fuerit iiij^{or} baronibus de predictis xxv baronibus illi iiij^{or} barones accedent ad dominum regem vel ad juſticiarium ſuum ſi rex fuerit extra regnum proponentes ei exceſſum petent ut exceſſum illum ſine dilatione faciat emendari et ſi rex vel juſticiarius ejus illud non emendaverit ſi rex fuerit extra regnum infra rationabile tempus determinandum in carta predicti iiij^{or} referent cauſam illam ad reſiduos de illis xxv baronibus et illi xxv cum communa totius terre diſtringent et gravabunt regem modis omnibus quibus poterunt ſcilicet per captionem caſtrorum terrarum poſſeſſionum et aliis modis quibus poterunt donec fuerit emendatum ſecundum arbitrium eorum ſalva perſona domini regis et regine et liberorum ſuorum et cum fuerit emendatum intendant domino regi ſicut prius et quicumque voluerit de terra jurabit ſe ad predicta exequenda pariturum mandatis predictorum xxv baronum

num et gravaturum regem pro poſſe ſuo cum ipſis et rex pubblice et libere dabit licentiam jurandi cuilibet qui jurare voluerit et nulli umquam jurare prohibebit omnes autem illos de terra qui ſponte ſua et per ſe noluerint jurare xxv baronibus de diſtringendo et gravando regem cum eis rex faciet jurare eoſdem de mandato ſuo ſicut predictum eſt Item ſi aliquis de predictis xxv baronibus deceſſerit vel a terra receſſerit vel aliquo modo alio impeditus fuerit quo minus iſta predicta poſſint exequi qui reſidui fuerint de xxv eligent alium loco ipſius pro arbitrio ſuo qui ſimili modo erit juratus quo et ceteri In omnibus autem que iſtis xxv baronibus committuntur exequenda ſi forte ipſi xxv preſentes fuerint et inter ſe ſuper re aliqua diſcordaverint vel aliqui ex eis vocati nolint vel nequeant intereſſe ratum habebitur et firmum quod major pars ex eis providerit vel preceperit ac ſi omnes xxv in hoc conſenſiſſent et predicti xxv jurabunt quod omnia antedicta fideliter obſervabunt et pro toto poſſe ſuo facient obſervari Preterea rex faciet eos ſecuros per cartas archiepiſcopi et epiſcoporum et magiſtri Pandulfi quod nichil impetrabit a domino papa per quod aliqua iſtarum conventionum revocetur vel minuatur et ſi aliquid tale impetraverit reputetur irritum et inane et nunquam eo utatur.


IOHANNES DEI GRATIA REX ANGLIE DOMINUS HIBERNIE

MAGNA CARTA

REGIS JOHANNIS,

XV DIE JUNII, MCCXV,

ANNO REGNI XVII.

JOHANNES [a] Dei gratia rex Anglie dominus Hybernie dux Normannie [b] Aquitanie et comes Andegavie archiepiscopis episcopis abbatibus comitibus baroni-

VARIAE LECTIONES,
desumptae ex Libro rubro Scaccharii Westm. (fol. ccxxxiiij.) *signantur Litera* R: —— *ex Carta autographa altera in Bibliotheca Cottoniana, Litera et Numero* C 2.

[a] OMNIBUS Christi fidelibus ad quos presens scriptum pervenerit Stephanus Dei gratia Cantuar' archiepiscopus totius Anglie primas et sancte Romane ecclesie cardinalis Henricus eadem gratia Dublin' archiepiscopus Willielmus London' Petrus Winton' Joscelinus Bathon' et Glaston' Hugo Linc' Walterus Wigorn' Willielmus Coventr' et Benedictus Roff' divina miseratione episcopi et magister Pandulfus domini pape subdiaconus et familiaris salutem in Domino Sciatis nos inspexisse cartam quam dominus noster Johannes illustris rex Anglie fecit comitibus baronibus et liberis hominibus suis Anglie de libertate sancte ecclesie et libertatibus et liberis consuetudinibus suis eisdem ab eo concessis sub hac forma JOHANNES &c. R.

[b] et Aquitanie comes. R.

bus

bus justiciariis forestariis vicecomitibus prepositis ministris et omnibus ballivis et fidelibus suis salutem Sciatis nos intuitu Dei et pro salute anime nostre et omnium antecessorum et heredum nostrorum ad honorem Dei et exaltationem sancte ecclesie et emendationem regni nostri per consilium venerabilium patrum nostrorum Stephani Cant' archiepiscopi totius Anglie primatis et sancte Romane ecclesie cardinalis Henrici Dublin' archiepiscopi Willielmi London' Petri Winton' Joscelini Bathon' et Glaston' Hugonis Lincoln' Walteri Wygorn' Willielmi Coventr' et Benedicti Roff' episcoporum magistri Pandulfi domini pape subdiaconi et familiaris fratris [c] Eymerici magistri militie templi in Anglia et nobilium virorum Willielmi Marischalli comitis Penbrok Willielmi comitis Sar' Willielmi comitis Warenn' Willielmi comitis Arundell' Alani de Galweya constabularii Scottie Warini filii Geroldi Petri filii Hereberti Huberti de Burgo seneschalli Pictavie Hugonis de Nevill' Mathei filii Hereberti Thome Basset Alani Basset Philippi de Albin' Roberti [d] de Roppel' Johannis Marischalli Johannis filii Hugonis et
1 aliorum fidelium nostrorum In primis concessisse Deo et hac presenti carta nostra con-

VARIAE LECTIONES.

[c] Emerici. R. [d] *deest* de. R.

firmasse

firmaſſe pro nobis et heredibus noſtris in perpetuum quod Anglicana eccleſia libera ſit et habeat jura ſua integra et libertates ſuas illeſas et ita volumus obſervari quod apparet ex eo quod libertatem electionum que maxima et magis neceſſaria reputatur eccleſie Anglicane mera et ſpontanea voluntate ante diſcordiam inter nos et barones noſtros motam conceſſimus et carta noſtra confirmavimus et eam optinuimus a domino papa Innocentio tertio confirmari quam et nos obſervabimus et ab heredibus noſtris in perpetuum bona fide volumus obſervari Conceſſimus etiam omnibus liberis hominibus regni noſtri pro nobis et heredibus noſtris in perpetuum omnes libertates ſubſcriptas habendas et tenendas eis et heredibus
1. ſuis de nobis et heredibus noſtris Si quis 2
comitum vel baronum noſtrorum ſive aliorum tenentium de nobis in capite per ſervitium militare mortuus fuerit et cum deceſſerit heres ſuus plene etatis fuerit et relevium debeat habeat hereditatem ſuam per antiquum relevium ſcilicet heres vel heredes comitis de baronia comitis integra per centum libras heres vel heredes baronis de baronia integra per centum [e] libras heres vel heredes militis de feodo militis integro per

VARIAE LECTIONES.

[e] librum. R.

centum ſolidos ad plus et qui minus debuerit minus det ſecundum antiquam conſuetu-
3 dinem feodorum Si autem heres alicujus ii.
talium fuerit infra etatem et fuerit in cuſtodia cum ad etatem pervenerit habeat here-
4 ditatem ſuam ſine relevio et ſine fine Cuſ- iii.
tos terre hujuſmodi heredis qui infra etatem fuerit non capiat de terra heredis niſi rationabiles exitus et rationabiles conſuetudines et rationabilia ſervitia et hoc ſine deſtructione et vaſto hominum vel rerum et ſi nos commiſerimus cuſtodiam alicujus talis terre vicecomiti vel alicui alii qui de exitibus illius nobis reſpondere debeat et ille deſtructionem de cuſtodia fecerit vel vaſtum nos ab illo capiemus emendam et terra committatur duobus legalibus et diſcretis hominibus de feodo illo qui de exitibus reſpondeant nobis vel ei cui eos aſſignaverimus et ſi dederimus vel vendiderimus alicui cuſtodiam alicujus talis terre et ille deſtructionem inde fecerit vel vaſtum amittat ipſam cuſtodiam et tradatur duobus legalibus et diſcretis hominibus de feodo illo qui ſimiliter nobis re-
5 ſpondeant ſicut predictum eſt Cuſtos autem quamdiu cuſtodiam terre habuerit ſuſtentet domos parcos vivaria ſtagna molendina et cetera ad terram illam pertinentia de exitibus terre ejuſdem et reddat heredi cum ad xxxv.
plenam etatem pervenerit terram ſuam totam

tam inſtauratam de carrucis et wainnagiis
ſecundum quod tempus wainnagii exiget et
exitus terre rationabiliter poterunt ſuſtinere
iii. Heredes maritentur abſque diſparagatione 6
ita tamen quod antequam contrahatur ma-
trimonium oſtendatur propinquis de conſan-
iv. guinitate ipſius heredis Vidua poſt mortem 7
mariti ſui [f] ſtatim et ſine difficultate habeat
maritagium et hereditatem ſuam nec aliquid
det pro dote ſua vel pro maritagio ſuo vel
hereditate ſua quam hereditatem maritus
ſuus et ipſa [g] tenuerint die obitus ipſius ma-
riti et maneat in domo mariti ſui per qua-
draginta dies poſt mortem ipſius infra quos
vii. aſſignetur ei dos ſua Nulla vidua diſtrin- 8
gatur ad ſe [h] maritandum dum voluerit vivere
ſine marito ita tamen quod ſecuritatem faciat
quod ſe non maritabit ſine aſſenſu noſtro ſi
de nobis tenuerit vel ſine aſſenſu domini ſui
v. de quo tenuerit ſi de alio tenuerit Nec nos 9
nec ballivi noſtri ſeiſiemus terram aliquam
nec redditum pro debito aliquo quamdiu ca-
talla debitoris ſufficiunt ad debitum redden-
dum nec pleggii ipſius debitoris diſtringan-
tur quamdiu ipſe capitalis debitor ſufficit ad
ſolutionem debiti et ſi capitalis debitor defe-
cerit in ſolutione debiti non habens unde

VARIAE LECTIONES.

f ſtatim. R. C 2.
g tenuerunt, R.
h maritandam, R.

ſolvat pleggii reſpondeant de debito et ſi voluerint habeant terras et redditus debitoris donec ſit eis ſatisfactum de debito quod ante pro eo ſolverint niſi capitalis debitor monſtraverit ſe eſſe quietum inde verſus eoſdem
10 pleggios Si quis mutuo ceperit aliquid a xxxiv. Judeis plus vel minus et moriatur antequam debitum illud ſolvatur debitum non uſuret quamdiu heres fuerit infra etatem de quocumque teneat et ſi debitum illud inciderit in manus noſtras nos non capiemus niſi catal-
11 lum contentum in carta Et ſi quis moria- xxxv. tur et debitum debeat Judeis uxor ejus habeat dotem ſuam et nichil reddat de debito illo et ſi liberi ipſius defuncti qui fuerint infra etatem remanſerint provideantur eis neceſſaria ſecundum tenementum quod fuerit defuncti et de reſiduo ſolvatur debitum ſalvo ſervitio dominorum ſimili modo fiat de de-
12 bitis que debentur aliis quam Judeis Nul- xxxii. lum ſcutagium vel auxilium ponatur in regno noſtro niſi per commune conſilium regni noſtri niſi ad corpus noſtrum redimendum et primogenitum filium noſtrum militem faciendum et ad filiam noſtram primogenitam ſemel maritandam et ad [i] hec non fiat niſi rationabile auxilium ſimili modo fiat de
13 auxiliis de civitate London' Et civitas Lon-

VARIAE LECTIONES.

[i] hoc. R.

don'

don' habeat omnes antiquas libertates et liberas consuetudines suas tam per terras quam [k] per aquas Preterea volumus et concedimus quod omnes alie civitates et burgi et ville et portus habeant omnes libertates et liberas consuetudines suas Et ad habendum 14
commune consilium regni de auxilio assidendo aliter quam in tribus casibus predictis vel de scutagio assidendo summoneri faciemus archiepiscopos episcopos abbates comites et majores barones sigillatim per litteras nostras et preterea faciemus summoneri in generali per vicecomites et ballivos nostros omnes illos qui de nobis tenent in capite ad certum diem scilicet ad terminum quadraginta dierum ad minus et ad certum locum et in omnibus litteris illius summonitionis causam summonitionis exprimemus et sic facta summonitione negotium ad diem assignatum procedat secundum consilium illorum qui presentes fuerint quamvis non omnes
vi. summoniti venerint Nos non concedemus 15
de cetero alicui quod capiat auxilium de liberis hominibus suis nisi ad corpus suum redimendum et ad faciendum primogenitum filium suum militem et ad primogenitam filiam suam semel maritandam et ad hec non
vii. fiat nisi rationabile auxilium Nullus dis- 16

VARIAE LECTIONES.

[k] *deest* per. R.

tringatur

tringatur ad faciendum majus ſervitium de
feodo militis nec de alio libero tenemento
17 quam inde debetur Communia placita non viii.
ſequantur curiam noſtram ſet teneantur in
18 aliquo loco certo Recognitiones de nova
diſſaiſina de morte anteceſſoris et de ultima
preſentatione non capiantur niſi in ſuis co-
mitatibus et hoc modo Nos vel ſi extra
regnum fuerimus capitalis juſticiarius noſter
mittemus duos juſticiarios per unumquem-
que comitatum per quatuor vices in anno
qui cum quatuor militibus cujuſlibet comi-
tatus electis per comitatum capiant in comi-
tatu et in die et loco comitatus aſſiſas pre-
19 dictas Et ſi in die comitatus aſſiſe predicte xiii.
capi non poſſint tot milites et libere tenen-
tes remaneant de illis qui interfuerint co-
mitatui die illo per quos poſſint judicia ſuf-
ficienter fieri ſecundum quod negotium fuerit
20 majus vel minus Liber homo non amer- ix.
cietur pro parvo delicto niſi ſecundum mo-
dum delicti et pro magno delicto amercietur
ſecundum magnitudinem delicti ſalvo con-
tenemento ſuo et mercator eodem modo ſalva
mercandiſa ſua et villanus eodem modo a-
mercietur ſalvo wainnagio ſuo ſi inciderint
in miſericordiam noſtram et nulla predicta-
rum miſericordiarum ponatur niſi per ſacra-
mentum proborum hominum de viſneto
21 Comites et barones non amercientur niſi per

pares

pares ſuos et non niſi ſecundum modum de-
x. licti Nullus clericus amercietur de laico 22
tenemento ſuo niſi ſecundum modum alio-
rum predictorum et non ſecundum quanti-
xi. tatem beneficii ſui eccleſiaſtici Nec villa 23
nec homo diſtringatur facere pontes ad ri-
parias niſi qui ab antiquo et de jure facere
xiv. debent Nullus vicecomes conſtabularius 24
coronatores vel alii ballivi noſtri teneant
placita corone noſtre Omnes comitatus 25
hundredi wapentak' et trething' ſint ad an-
tiquas firmas abſque ullo incremento excep-
xv. tis dominicis maneriis noſtris Si aliquis te- 26
nens de nobis laicum feodum moriatur et
vicecomes vel ballivus noſter oſtendat litteras
noſtras patentes de ſummonitione noſtra de
debito quod defunctus nobis debuit liceat
vicecomiti vel ballivo noſtro attachiare et
inbreviare catalla defuncti inventa in laico
feodo ad valentiam illius debiti per viſum
legalium hominum ita tamen quod nichil
inde amoveatur donec perſolvatur nobis de-
bitum quod clarum fuerit et reſiduum relin-
quatur executoribus ad faciendum teſtamen-
tum defuncti et ſi nichil nobis debeatur ab
ipſo omnia catalla cedant defuncto ſalvis
uxori ipſius et pueris rationabilibus partibus
xvi. ſuis Si aliquis liber homo inteſtatus deceſ- 27
ſerit catalla ſua per manus propinquorum
parentum et amicorum ſuorum per viſum
eccleſie

ecclesie distribuantur salvis unicuique de-
28 bitis que defunctus ei [l] debebat Nullus xviii.
constabularius vel alius ballivus noster capiat blada vel alia catalla alicujus nisi statim inde reddat denarios aut respectum inde habere possit de voluntate venditoris
29 Nullus constabularius distringat aliquem xix.
militem ad [m] dandum denarios pro custodia castri si facere voluerit custodiam illam in propria persona sua vel per alium probum hominem si ipse eam facere non possit propter rationabilem causam et si nos duxerimus vel miserimus eum in exercitum erit quietus de custodia secundum quantitatem temporis quo per nos fuerit
30 in exercitu Nullus vicecomes vel ballivus xx.
noster vel aliquis alius capiat equos vel [n] caretas alicujus liberi hominis pro cariagio faciendo nisi de voluntate ipsius liberi
31 hominis Nec nos nec ballivi nostri capie- xxi.
mus alienum boscum ad castra vel alia agenda nostra nisi per voluntatem ipsius cujus
32 boscus ille fuerit Nos non tenebimus ter- xxii.
ras illorum qui convicti fuerint de felonia nisi per unum annum et unum diem et tunc
33 reddantur terre dominis feodorum Omnes xxiii.
kydelli de cetero deponantur penitus de

VARIAE LECTIONES.

l debeat. R.
m ducendum. R.
n carectas. R.

Thamisia

Thamisia et de [o] Medewaye et per totam
xxiv. Angliam nisi per costeram maris Breve 34
quod vocatur Precipe de cetero non fiat alicui de aliquo tenemento unde liber homo
xii. amittere possit curiam suam Una mensura 35
vini sit per totum regnum nostrum et una mensura cervisie et una mensura bladi scilicet quarterium London' et una latitudo pannorum tinctorum et russettorum et halbergettorum scilicet due ulne infra listas de
xxvi. ponderibus autem sit ut de mensuris Nichil 36
detur vel capiatur de cetero pro brevi inquisitionis de vita vel membris set gratis con-
xxvii. cedatur et non negetur Si aliquis teneat de 37
nobis per feodifirmam vel per [p] sokagium vel per burgagium et de alio terram teneat per servitium militare nos non habebimus custodiam heredis nec terre sue que est de feodo alterius occasione illius feodifirme vel [q] sokagii vel burgagii nec habebimus custodiam illius feodifirme vel [r] sokagii vel burgagii nisi ipsa feodifirma debeat servitium militare Nos non habebimus custodiam heredis vel terre alicujus quam tenet de alio per servitium militare occasione alicujus parve sergenterie quam tenet de nobis per servitium reddendi nobis cultellos vel sagittas vel hu-

VARIAE LECTIONES.

[o] Medwai. R.
[p] soccagium. R.
[q] soccagii. R.
[r] soccagii. R.

jusmodi

38 jusmodi Nullus ballivus ponat de cetero xxviii.
aliquem ad legem simplici loquela sua sine
39 testibus fidelibus ad hoc inductis Nullus xxix.
liber homo capiatur vel imprisonetur aut
dissaisiatur aut utlagetur aut aliquo modo
destruatur nec super eum ibimus nec super
eum mittemus nisi per legale judicium pa-
40 rium suorum vel per legem terre Nulli xxx.
vendemus nulli negabimus aut differemus
41 rectum aut justiciam Omnes mercatores xxxi.
habeant salvum et securum exire de Anglia
et venire in Angliam et morari et ire per
Angliam tam per terram quam per aquam
ad emendum et vendendum sine omnibus
malis toltis per antiquas et rectas consuetu-
dines preterquam in tempore gwerre et si
sint de terra contra nos [s] gwerriva et si tales
inveniantur in terra nostra in principio gwerre
attachientur sine dampno corporum et rerum
donec sciatur a nobis vel [t] capitali justiciario
nostro quomodo mercatores terre nostre trac-
tentur qui tunc invenientur in terra contra
nos [u] gwerriva et si nostri salvi sint ibi alii
42 salvi sint in terra nostra Liceat unicuique xxxiii.
de cetero exire de regno nostro et redire
salvo et secure per terram et per aquam salva
fide nostra nisi tempore gwerre per aliquod

VARIAE LECTIONES.

[s] guerrina, R.
[t] a capitali, R.
[u] guerrina, R.

breve

breve tempus propter communem utilitatem
regni exceptis inprisonatis et utlagatis secun-
dum legem regni et gente de terra contra
nos [w] gwerriva et mercatoribus de quibus
xxvi. fiat sicut predictum est Si quis tenuerit de 43
aliqua escaeta [x] sicut de honore Walingeford
Notingeham [y] Bon' Lainkastr' vel de aliis
eskaetis que sunt in manu nostra et sunt
baronie et obierit heres ejus non det aliud
relevium nec faciat nobis aliud servitium
quam faceret baroni si baronia illa esset in
manu baronis et nos eodem modo eam te-
xxix. nebimus quo baro eam tenuit Homines 44
qui manent extra forestam non veniant de
cetero coram justiciariis nostris de foresta
per communes summonitiones nisi sint in
placito vel pleggii alicujus vel aliquorum
xlii. qui attachiati sint pro foresta Nos non fa- 45
ciemus justiciarios constabularios vicecomi-
tes vel ballivos nisi de talibus qui sciant le-
gem regni et eam bene velint observare
xliii. Omnes barones qui fundaverunt abbatias 46
unde habent cartas regum Anglie vel anti-
quam tenuram habeant earum custodiam
xlvii. cum vacaverint sicut habere debent Om- 47
nes foreste que aforestate sunt tempore nos-
tro statim deafforestentur et ita fiat de ripa-

VARIAE LECTIONES.

[w] guerrina. R.
[x] *desit* sicut. R.
[y] Bolon'. C 2.

riis

riis que per nos tempore noſtro poſite ſunt
48 in defenſo Omnes male conſuetudines de xxxix.
foreſtis et warennis et de foreſtariis et warennariis vicecomitibus et eorum miniſtris
ripariis et earum cuſtodibus ſtatim inquirantur in quolibet comitatu per duodecim
milites juratos de eodem comitatu qui debent eligi per probos homines ejuſdem comitatus et infra quadraginta dies poſt inquiſitionem factam penitus ita quod numquam
revocentur deleantur per eoſdem ita quod
nos hoc ſciamus prius vel juſticiarius noſter
49 ſi in Anglia non fuerimus Omnes obſides xxxviii
et cartas ſtatim reddemus que liberate fuerunt nobis ab Anglicis in ſecuritatem pacis
50 vel fidelis ſervitii Nos amovebimus penitus xl.
de balliis parentes Gerardi de [z] Athyes quod
de cetero nullam habeant balliam in Anglia
Engelardum de Cygony Andream Petrum
et [a] Gyonem de Cancell' Gyonem de Cygony
Galfridum de [b] Martyni et fratres ejus Philippum [c] Mark et fratres ejus et Galfridum
nepotem ejus et totam ſequelam eorumdem
51 Et ſtatim poſt pacis reformationem amove- xli.
bimus de regno omnes alienigenas milites
baliſtarios ſervientes ſtipendiarios qui venerint cum equis et armis ad nocumentum

VARIAE LECTIONES.

[z] Atyes. R.
[a] Gionem. R.
[b] Marteni. R.
[c] Marci. R.

regni

xxv. regni Si quis fuerit diſſeiſitus vel elongatus 52
per nos ſine legali judicio parium ſuorum de
terris caſtallis libertatibus vel jure ſuo ſtatim
ea ei reſtituemus et ſi contentio ſuper hoc
orta fuerit tunc inde fiat per judicium viginti
quinque baronum de quibus ſit mentio in-
ferius in ſecuritate pacis de omnibus autem
illis de quibus aliquis diſſeiſitus fuerit vel
elongatus ſine legali judicio parium ſuorum
per Henricum regem patrem noſtrum vel
per Ricardum regem fratrem noſtrum que
in manu noſtra habemus vel que alii tenent
que nos oporteat warantizare reſpectum ha-
bebimus uſque ad communem terminum
cruceſignatorum exceptis illis de quibus pla-
citum motum fuit vel inquiſitio facta per
preceptum noſtrum ante ſuſceptionem crucis
noſtre cum autem redierimus de peregrina-
tione noſtra vel ſi forte remanſerimus a pe-
regrinatione noſtra ſtatim inde plenam juſti-
ciam exhibebimus Eundem autem reſpec- 53
tum habebimus et eodem modo de juſticia
exhibenda de foreſtis deafforeſtandis vel re-
manſuris foreſtis quas Henricus pater noſter
vel Ricardus frater noſter afforeſtaverunt et
de cuſtodiis terrarum que ſunt de alieno
feodo cujuſmodi cuſtodias hucuſque habui-
mus occaſione feodi quod aliquis de nobis
tenuit per ſervitium militare et de abbatiis
que fundate fuerint in feodo alterius quam
noſtro

noſtro in quibus dominus feodi dixerit ſe jus habere et cum redierimus vel ſi remanſerimus a peregrinatione noſtra ſuper hiis conquerentibus plenam juſticiam ſtatim exhibe-
54 bimus Nullus capiatur nec impriſonetur propter [d] appellum femine de morte alterius
55 quam viri ſui Omnes fines qui injuſte et xxxvii. contra legem terre facti ſunt nobiſcum et omnia amerciamenta facta injuſte et contra legem terre omnino condonentur vel fiat inde per judicium viginti quinque baronum de quibus fit mentio inferius in ſecuritate pacis vel per judicium majoris partis eorumdem una cum predicto Stephano Cant' archiepiſcopo ſi intereſſe poterit et aliis quos ſecum ad hoc vocare voluerit et ſi intereſſe non poterit nichilominus procedat negotium ſine eo ita quod ſi aliquis vel aliqui de predictis viginti quinque baronibus fuerint in ſimili querela amoveantur quantum ad hoc judicium et alii loco illorum per reſiduos de eiſdem viginti quinque tantum ad hoc faci-
56 endum electi et jurati ſubſtituantur Si nos xliv. [e] diſſaiſivimus vel elongavimus Walenſes de terris vel libertatibus vel rebus aliis ſine legali judicio parium ſuorum in Anglia vel in Wallia eis ſtatim reddantur et ſi contentio ſuper hoc orta fuerit tunc inde fiat in mar-

VARIAE LECTIONES.

[d] appellam. R. [e] diſſeiſivimus. R.

chia

chia per judicium parium ſuorum de tenementis Anglie ſecundum legem Anglié de tenementis Wallie ſecundum legem Wallie de tenementis marchie ſecundum legem marchie idem facient Walenſes nobis et noſtris De omnibus autem illis de quibus ali- 57
quis Walenſium [f] diſſaiſitus fuerit vel elongatus ſine legali judicio parium ſuorum per Henricum regem patrem noſtrum vel Ricardum regem fratrem noſtrum que nos in manu noſtra habemus vel [g] que alii tenent que nos oporteat warantizare reſpectum habebimus uſque ad communem terminum cruceſignatorum illis exceptis de quibus placitum motum fuit vel inquiſitio facta per preceptum noſtrum ante ſuſceptionem crucis noſtre cum autem redierimus vel ſi forte remanſerimus a peregrinatione noſtra ſtatim eis inde plenam juſticiam exhibebimus ſecundum leges Walenſium et partes predictas
xlv. Nos reddemus filium Lewelini ſtatim et 58
omnes obſides de Wallia et cartas que nobis
xlvi. liberate fuerunt in ſecuritatem pacis. Nos 59
faciemus Allexandro regi Scottorum de ſororibus ſuis et obſidibus reddendis et libertatibus ſuis et jure ſuo ſecundum formam in qua faciemus aliis baronibus noſtris Anglie niſi aliter eſſe debeat per cartas quas habe-

VARIAE LECTIONES.

f diſſeiſitus. R. g *deeſt* que. R.

mus

mus de Willielmo patre ipſius quondam
rege Scottorum et hoc erit per judicium pa-
60 rium ſuorum in curia noſtra Omnes autem xlviii.
iſtas conſuetudines predictas et libertates
quas nos [h] conceſſiſſimus in regno noſtro te-
nendas quantum ad nos pertinet erga noſtros
omnes de regno noſtro tam clerici quam
laici obſervent quantum ad ſe pertinet erga
61 ſuos Cum autem pro Deo et ad emenda- xlix.
tionem regni noſtri et ad melius ſopiendum
diſcordiam inter nos et barones noſtros or-
tam hec omnia predicta [i] conceſſerimus vo-
lentes ea integra et firma ſtabilitate [k] gau-
dere in perpetuum facimus et concedimus
eis ſecuritatem ſubſcriptam videlicet quod
barones eligant viginti quinque barones de
regno quos voluerint qui debeant pro totis
viribus ſuis obſervare tenere et facere obſer-
vari pacem et libertates quas eis conceſſimus
et hac preſenti carta noſtra confirmavimus
ita ſcilicet quod ſi nos vel juſticiarius noſter
vel ballivi noſtri vel aliquis de miniſtris noſ-
tris in aliquo erga aliquem deliquerimus vel
aliquem articulorum pacis aut ſecuritatis
tranſgreſſi fuerimus et delictum oſtenſum
fuerit quatuor baronibus de predictis viginti
quinque baronibus illi quatuor barones ac-

VARIAE LECTIONES.

[h] conceſſimus. R. C 2.
[i] conceſſimus. R.
[k] imperpetuum gaudere. R.

cedant

cedant ad nos vel ad justiciarium nostrum si fuerimus extra regnum proponentes nobis excessum petent ut excessum illum sine dilatione faciamus emendari et si nos excessum non emendaverimus vel si fuerimus extra regnum justiciarius noster non emendaverit infra tempus quadraginta dierum computandum a tempore quo monstratum fuerit nobis vel justiciario nostro si extra regnum fuerimus predicti quatuor barones referant causam illam ad residuos de [l] viginti quinque baronibus et illi viginti quinque barones cum communa totius terre distringent et gravabunt nos modis omnibus quibus poterunt scilicet per captionem castrorum terrarum possessionum et aliis modis quibus poterunt donec fuerit emendatum secundum arbitrium eorum salva persona nostra et regine nostre et liberorum nostrorum et cum fuerit emendatum intendent nobis sicut prius fecerunt Et quicumque voluerit de terra juret quod ad predicta omnia exequenda parebit mandatis predictorum viginti quinque baronum et quod gravabit nos pro posse suo cum ipsis et nos publice et libere damus licentiam jurandi cuilibet qui jurare voluerit et nulli umquam jurare [m] prohibebimus Omnes autem illos de terra qui per se et sponte sua

VARIAE LECTIONES.

[l] illis viginti quinque. R. C 2. [m] prohibemus. R.

[n] noluerint jurare viginti quinque baronibus de diſtringendo et gravando nos cum eis faciemus jurare eoſdem de mandato noſtro ſicut predictum eſt Et ſi aliquis de viginti quinque baronibus deceſſerit vel a terra receſſerit vel aliquo alio modo impeditus fuerit quo minus iſta predicta poſſent exequi qui reſidui fuerint [o] de predictis viginti quinque baronibus eligant alium loco ipſius pro arbitrio ſuo qui ſimili modo erit juratus quo et ceteri In omnibus autem que iſtis viginti quinque baronibus committuntur exequenda ſi forte ipſi viginti quinque preſentes fuerint et inter ſe ſuper re aliqua diſcordaverint vel aliqui ex eis ſummoniti nolint vel nequeant intereſſe ratum habeatur et firmum quod major pars eorum qui preſentes fuerint providerit vel preceperit ac ſi omnes viginti quinque in hoc conſenſiſſent et predicti viginti quinque jurent quod omnia antedicta fideliter obſervabunt et pro [p] toto poſſe ſuo facient obſervari Et nos nichil impetrabimus ab aliquo per nos nec per alium per quod aliqua iſtarum conceſſionum [q] et libertatum revocetur vel minuatur et ſi aliquid tale impetratum fuerit irritum ſit et inane et numquam eo utemur per nos

VARIAE LECTIONES.

n voluerint. R.
o de illis viginti quinque. R.
p tote. R.
q vel. R.

nec

nec per alium Et omnes malas voluntates 62
indignationes et rancores ortos inter nos et
homines noſtros clericos et laicos a tempore
diſcordie plene omnibus remiſimus et con-
donavimus Preterea omnes tranſgreſſiones
factas occaſione [r] ejuſdem diſcordie a paſcha
anno regni noſtri ſextodecimo uſque ad pa-
cem reformatam plene remiſimus omnibus
clericis et laicis et quantum ad nos pertinet
xlix. plene condonavimus Et inſuper fecimus
eis fieri litteras teſtimoniales patentes domini
Stephani Cant' archiepiſcopi domini Henrici
Dublin' archiepiſcopi et epiſcoporum pre-
dictorum et magiſtri Pandulfi ſuper ſecuri-
tate iſta et conceſſionibus prefatis Quare 63
volumus et firmiter precipimus quod Angli-
cana eccleſia libera ſit et quod homines in
regno noſtro habeant et teneant omnes pre-
fatas libertates jura et conceſſiones bene et
in pace libere et quiete plene et integre ſibi
et heredibus ſuis de nobis et heredibus noſ-
tris in omnibus rebus et locis in perpetuum
ſicut predictum eſt Juratum eſt autem tam
ex parte noſtra quam ex parte baronum quod
hec omnia ſupradicta bona fide et ſine malo
ingenio obſervabuntur Teſtibus ſupradictis
et multis aliis Data per manum noſtram

VARIAE LECTIONES.
[r] hujus. R.

in prato quod vocatur [s] Runingmed' inter [t] Windeleſorum et Stanes quinto decimo die Junii anno regni noſtri ſeptimo decimo. [u]

VARIAE LECTIONES.

[s] Runigmed'. R. Ronimed'. C 2.

[t] Windeleſore. R.

[u] Et ne huic forme predicte aliquid poſſit addi vel ab eadem aliquid poſſit ſubtrahi vel minui huic ſcripto ſigilla noſtra appoſuimus. R.


COMES ANDEGAVIE + IOH'S DNS HIBERNIE
CVM NORMANNIE

CONVENTIO

INTER

REGEM JOHANNEM

ET

BARONES.

HEC eſt conventio facta inter dominum Johannem regem Anglie ex una parte et Robertum filium Walteri mareſcallum excercitus Dei et ſancte eccleſie in Anglia et Ricardum comitem de Clara Gaufridum comitem Eſſex' et Glouc' Rogerum Bigot comitem Northfolc' et Suthfolc' Saherum comitem Wint' Robertum comitem Oxon' Henricum comitem Hereford' et barones ſubſcriptos ſcilicet Willielmum Mariſcallum juniorem Euſtachium de Veſcy Willielmum de Mobray Johannem filium Roberti Rogerum de Monte Begonis Willielmum

lielmum de Lanvalay et alios comites et barones et liberos homines totius regni ex altera parte videlicet quod ipſi comites et barones et alii preſcripti tenebunt civitatem London' de baillio domini regis ſalvis interim domino regi firmis redditibus et claris debitis ſuis uſque ad aſſumptionem beate Marie anno regni ipſius regis xvii^mo et dominus Cant' tenebit ſimiliter de baillio domini regis turrim London' uſque ad predictum terminum ſalvis civitati London' libertatibus ſuis et liberis conſuetudinibus ſuis et ſalvo cuilibet jure ſuo in cuſtodia turris London' et ita quod interim non ponat dominus rex munitionem vel vires alias in civitate predicta vel in turri London' Fiant etiam infra predictum terminum ſacramenta per totam Angliam viginti quinque baronibus ſicut continentur in carta de libertatibus et ſecuritate regno conceſſis vel attornatis viginti quinque baronum ſicut continentur in literis de duodecim militibus eligendis ad delendum malas conſuetudines de foreſtis et aliis Et preterea infra eundem terminum omnia que comites et barones et alii liberi homines petunt a domino rege que ipſe dixerit eſſe reddenda vel que per xxv barones aut per majorem partem eorum judicata fuerint eſſe reddenda reddantur ſecundum formam predicte carte Et ſi hec facta fuerint

rint vel per dominum regem non ſteterit quo minus iſta facta fuerint infra predictum terminum tunc civitas et turris London' ad eundem terminum ſtatim reddantur domino regi ſalvis predicte civitati libertatibus ſuis et liberis conſuetudinibus ſuis ſicut preſcriptum eſt Et ſi hec facta non fuerint et per dominum regem ſteterit quod iſta non fiant infra predictum terminum barones tenebunt civitatem predictam et dominus archiepiſcopus turrim London' donec predicta compleantur Et interim omnes ex utraque parte recuperabunt caſtra terras et villas quas habuerunt in initio guerre orte inter dominum regem et barones.

MAGNA CARTA

REGIS HENRICI III,

XII DIE NOVEMBRIS, MCCXVI,

ANNO REGNI I.

HENRICUS Dei gratia rex Anglie dominus Hybernie dux Normannie [a] Aquitanie et comes Andegavie archiepiſcopis epiſcopis abbatibus comitibus baronibus juſticiariis foreſtariis vicecomitibus prepoſitis miniſtris [b] ballivis et [c] omnibus fidelibus ſuis ſalutem Sciatis nos intuitu Dei et pro ſalute anime noſtre et omnium anteceſſorum et ſucceſſorum noſtrorum ad honorem Dei et exaltationem ſancte eccleſie et emendationem regni noſtri per conſilium

VARIAE LECTIONES,
deſumptae ex Libro rubro Scaccharii Dublin. ſignantur Litera D.

[a] et Aquitanie comes. D.
[b] civibus ballivis. D.
[c] *deeſt* omnibus. D.

venerabilium

venerabilium patrum noſtrorum domini Gualonis titulo ſancti Martini preſbiteri cardinalis apoſtolice ſedis legati Petri Wint' [d] R. de ſancto Aſapho J. Bathon' et Glaſton' S. Exon' R. Ciceſtr' W. Coventr' [e] B. Roff' H. [f] Landav' Menevens' Bangor' et S. Wygorn' epiſcoporum et nobilium virorum Willielmi Mareſcalli comitis Penbroc' Ranulfi comitis Ceſtr' Willielmi de Ferrar' comitis [g] Dereb' Willielmi comitis [h] Albemarle Huberti de Burgo juſticiarii noſtri [i] Savarici de Malo Leone Willielmi [k] Brigwerr' patris Willielmi [l] Brigwerr' filii Roberti de Curtenai Falkeſii de Breante Reginaldi de Vautort Walteri de [m] Laſcy Hugonis de Mortuo Mari Johannis de Monemute Walteri de [n] Bello Campo Walteri de Clifford Roberti de Mortuo Mari Willielmi de Cantilup' Mathei filii Hereberti Johannis Mariſcalli Alani Baſſet Philippi de Albiniaco Johannis Extranei et
1. aliorum fidelium noſtrorum Inprimis con- 1
ceſſiſſe Deo et hac preſenti carta noſtra confirmaſſe pro nobis et heredibus noſtris inperpetuum quod [o] Anglicana eccleſia libera ſit

VARIAE LECTIONES.

d L. de. D.
e W. Roffen'. D.
f London. D.
g de Derbia. D.
h de Aubomarle. D.
i Sayantii. D.
k Bruerie. D.
l Bruerie. D.
m Laci. D.
n Beuchamp. D.
o Hybernicana. D.

et

et habeat jura ſua integra et libertates ſuas illeſas Conceſſimus etiam omnibus liberis hominibus [p] regni noſtri pro nobis et heredibus [q] noſtris imperpetuum omnes libertates ſubſcriptas habendas et tenendas eis et heredibus ſuis de nobis et heredibus noſtris

2 Si quis comitum vel baronum noſtrorum ii. ſive aliorum tenentium de nobis in capite per ſervicium militare mortuus fuerit et cum deceſſerit heres ſuus plene etatis fuerit et relevium [r] debeat habeat hereditatem ſuam per antiquum relevium ſcilicet heres vel heredes comitis de baronia comitis integra per centum libras heres vel heredes baronis de [s] baronia integra per centum libras heres vel heredes militis de [t] feodo militis integro per centum ſolidos ad plus et qui minus debuerit minus det ſecundum antiquam conſuetu-

3 dinem feodorum Si autem heres alicujus iii. talium fuerit infra etatem dominus ejus non habeat cuſtodiam [u] ejus nec terre ſue antequam homagium ejus ceperit et poſtquam talis heres fuerit in cuſtodia [w] cum ad etatem pervenerit ſcilicet viginti [x] unius ann' habeat hereditatem ſuam ſine relevio et ſine fine ita tamen quod ſi ipſe dum infra etatem fuerit

VARIAE LECTIONES.

[p] de regno noſtro. D.
[q] *deeſt* noſtris. D.
[r] debeatur. D.
[s] baronia baronis integra. D.
[t] feudo. D.
[u] ipſius. D.
[w] *deeſt* cum. D.
[x] et unius annorum. D.

[y] fiat

[y] fiat miles nichilominus terra remaneat in
custodia domini sui usque ad terminum pre-
iv. dictum Custos terre [z] hujusmodi heredis 4
qui infra etatem fuerit non capiat de terra
heredis nisi rationabiles exitus et rationabiles
consuetudines et rationabilia servicia et hoc
sine destructione [a] et vasto hominum vel re-
rum et si nos commiserimus custodiam ali-
cujus talis terre vicecomiti vel alicui alii qui
de exitibus terre illius nobis respondere de-
beat et ille destructionem de custodia fecerit
vel vastum nos ab [b] illo capiemus emendam
et [c] terra committatur duobus legalibus et
discretis hominibus de feodo illo qui de ex-
itibus nobis respondeant vel ei cui [d] illos as-
signaverimus et si dederimus vel vendideri-
mus alicui custodiam alicujus talis terre et
ille destructionem inde fecerit vel vastum
amittat [e] ipsam custodiam et tradatur duo-
bus legalibus et discretis hominibus de feodo
illo qui similiter nobis [f] respondeant sicut
v. predictum est Custos autem quamdiu cus- 5
todiam terre habuerit sustentet domos par-
cos [g] vivarios stagna molendina et cetera ad
illam terram pertinentia de exitibus terre

VARIAE LECTIONES.

y *deest* fiat. D.
z hujus et heredis. D.
a vel. D.
b eo. D.
c terra illa. D.
d nos assignaverimus. D.
e custodiam illam. D.
f inde respondeant. D.
g vivaria stangna. D.

ejusdem

ejuſdem et [h] reddat heredi cum ad plenam etatem pervenerit terram ſuam totam inſtauratam de carucis et omnibus aliis rebus ad minus ſecundum quod illam recepit Hec omnia obſerventur de [i] cuſtodiis archiepiſcopatuum epiſcopatuum abbatiarum prioratuum eccleſiarum et [k] dignitatum vacantium excepto quod cuſtodie [l] hujuſmodi vendi non
6 debent Heredes maritentur abſque diſpa- vi.
7 ragatione Vidua poſt mortem mariti ſui vii.
ſtatim et ſine [m] difficultate aliqua habeat maritagium ſuum et hereditatem ſuam nec aliquid det pro dote ſua vel [n] pro maritagio vel hereditate ſua quam hereditatem maritus ſuus et ipſa [o] tenuerint die obitus ipſius mariti et maneat [p] in domo mariti ſui per quadraginta dies poſt mortem ipſius mariti ſui infra quos ei aſſignetur dos ſua niſi prius ei fuerit aſſignata vel niſi domus illa [q] ſit caſtrum et ſi de caſtro receſſerit ſtatim provideatur ei domus competens in qua poſſit honeſte morari quouſque dos ſua ei aſſigne-
8 tur ſecundum quod predictum eſt Nulla viii.
vidua diſtringatur ad ſe maritandum dum voluerit vivere ſine marito ita tamen quod

VARIAE LECTIONES.

h reddet. D.
i cuſtodia. D.
k dignitatuum. D.
l hujus. D.
m dilatione. D.
n *deeſt* pro. D.
o tenuerunt. D.
p vidua in. D.
q fuerit. D.

ſecuritatem

ſecuritatem [r] faciet quod ſe non maritabit
ſine aſſenſu noſtro ſi de nobis tenuerit vel
ſine aſſenſu domini ſui ſi de alio tenuerit
ix. Nos [s] vero vel ballivi noſtri non ſaiſiemus 9
terram aliquam nec redditum pro debito ali-
quo quamdiu catalla debitoris preſentia ſuf-
ficiunt ad debitum reddendum et ipſe debi-
tor paratus [t] ſit inde ſatisfacere nec [u] plegii
ipſius debitoris [w] diſtringantur quamdiu ipſe
capitalis debitor [x] ſufficiat ad ſolutionem de-
biti et ſi capitalis debitor defecerit in ſolu-
tione [y] debiti non habens unde reddat aut
reddere [z] nolit cum poſſit plegii reſpondeant
de debito et ſi voluerint habeant terras et
redditus debitoris quouſque ſit eis ſatisfactum
de debito quod ante pro eo [a] ſolverint niſi
capitalis debitor monſtraverit ſe [b] inde eſſe
xiii. quietum verſus eoſdem plegios Civitas 10
[c] London' habeat omnes antiquas libertates
et liberas conſuetudines ſuas Preterea vo-
lumus et concedimus quod omnes alie [d] ci-
vitates et burgi et ville et barones de quinque
portubus et omnes portus habeant omnes li-
xvi. bertates et liberas conſuetudines ſuas Nul- 11

VARIAE LECTIONES.

r faciat. D.
s *deeſt* vero. D.
t *deeſt* ſit. D.
u plegium. D.
w diſtringatur. D.
x ſufficit. D.
y *deeſt* debiti. D.
z noluerit. D.
a ſolverunt. D.
b *deeſt* inde. D.
c Dublin'. D.
d civitates ville et burgi et omnes portus. D.

lus

lus distringatur ad faciendum majus servi-
cium de feodo militis nec de alio libero te-
12 nemento quam inde debetur Communia xvii.
placita non sequantur curiam nostram sed
13 teneantur in aliquo certo loco Recognitio- xviii.
nes de nova disseisina de morte anteceſſoris
[e] de ultima presentatione non capiantur nisi
in suis comitatibus et hoc modo Nos vel si
extra regnum fuerimus capitalis justiciarius
noster mittemus duos justiciarios per unum-
quemque comitatum per quatuor vices in
anno qui cum quatuor militibus cujuslibet
comitatus electis per comitatum capiant [f] in
comitatu in die et loco comitatus assisas pre-
14 dictas Et si in die comitatus assise predicte xix.
capi non [g] possint tot milites et libere tenen-
tes remaneant de illis qui [h] interfuerint co-
mitatui die illo per quos possint sufficienter
judicia fieri secundum quod negotium fuerit
15 majus vel minus Liber homo non amer- xx.
cietur pro parvo delicto nisi secundum mo-
dum [i] ipsius delicti et pro magno delicto se-
cundum magnitudinem delicti salvo conte-
nemento suo et mercator eodem modo salva
[k] mercandisa sua et villanus eodem modo
amercietur salvo [l] wainnagio suo si inciderit

VARIAE LECTIONES.

e et de. D.
f et in comitatu et. D.
g possunt. D.
h interfuerunt. D.
i *deest* ipsius. D.
k mercandasia. D.
l wannagio. D.

in

in miſericordiam noſtram et nulla predicta-
rum miſericordiarum ponatur niſi per ſacra-
mentum proborum et legalium hominum
xxi. de viſneto Comites et barones non amer- 16
cientur niſi per pares ſuos et non niſi ſecun-
xxii. dum modum delicti Nullus clericus amer- 17
cietur niſi ſecundum formam predictorum
et non ſecundum quantitatem beneficii ſui
xxiii. eccleſiaſtici Nec villa nec homo [m] diſtrin- 18
gatur facere pontes ad riparias niſi qui ab
xxiv. antiquo et de jure facere [n] debet Nullus 19
vicecomes conſtabularius coronatores vel alii
ballivi noſtri teneant placita corone noſtre
xxvi. Si aliquis tenens de nobis laicum feodum 20
moriatur et vicecomes vel ballivus noſter
oſtendat literas noſtras patentes de ſummo-
nitione noſtra de debito quod defunctus no-
bis debuit liceat vicecomiti vel ballivo noſtro
attachiare et imbreviare catalla defuncti in-
venta in laico feodo ad valentiam illius de-
biti per viſum legalium hominum ita tamen
quod nichil inde amoveatur donec perſolva-
tur nobis debitum quod clarum fuerit et
reſiduum relinquatur executoribus ad faci-
endum teſtamentum defuncti et ſi nichil
[o] nobis debeatur ab ipſo omnia catalla cedant
defuncto ſalvis uxori [p] ipſius et pueris ſuis

VARIAE LECTIONES.

m diſtringetur. D.
n debent. D.
o *deeſt* nobis. D.
p ſuc. D.

21 rationabilibus partibus ſuis Nullus conſta- xxviii.
bularius vel ejus ballivus capiat blada vel
alia catalla alicujus qui non ſit de villa ubi
caſtrum ſuum eſt niſi ſtatim inde reddat de-
narios [q] aut reſpectum inde habere poſſit de
voluntate venditoris ſi autem de villa fuerit
teneatur infra tres ſeptimanas precium red-
22 dere Nullus conſtabularius diſtringat ali- xxix.
quem militem ad dandum denarios pro cuſ-
todia caſtri ſi ipſe eam facere voluerit in pro-
pria perſona ſua vel per alium probum ho-
minem ſi ipſe eam facere non poſſit propter
rationabilem cauſam et ſi nos duxerimus vel
miſerimus eum in excercitum erit quietus
de cuſtodia ſecundum quantitatem temporis
23 quo per nos fuerit in excercitu Nullus xxx.
vicecomes vel ballivus noſter vel alius capiat
equos vel carectas alicujus pro cariagio fa-
ciendo niſi reddat liberationem antiquitus
ſtatutam ſcilicet pro carecta ad duos equos
decem denarios per diem et pro carecta ad
tres equos quatuordecim denarios per diem
24 Nec nos nec ballivi noſtri capiemus alienum xxxi.
boſcum ad caſtra vel alia agenda noſtra niſi
per voluntatem ipſius cujus boſcus ille fuerit
25 Nos non tenebimus terras [r] eorum qui con- xxxii.
victi fuerint de felonia niſi per unum annum
et unum diem et tunc reddantur terre do-

VARIAE LECTIONES.

q vel. D. r illorum. D.

minis

iii. minis feodorum [s] Omnes kydelli de cetero 26
deponantur penitus per Thamisiam et Medeweiam et per totam Angliam nisi per cos-
iv. teram maris Breve quod vocatur Precipe 27
de cetero non fiat alicui de aliquo tenemento unde liber [t] homo amittere possit curiam
xv. suam Una mensura vini sit per totum reg- 28
num nostrum et una mensura cervisie et una mensura bladi scilicet quarterium [u] London'
et una latitudo pannorum tinctorum [w] et russettorum [x] et haubergettorum scilicet due ulne infra listas De ponderibus autem sit
xvi. ut de mensuris Nichil detur de cetero pro 29
brevi inquisitionis de vita vel membris sed
vii. gratis concedatur et non negetur Si aliquis 30
teneat de nobis per feodi firmam vel [y] sokagium vel per burgagium et de alio terram teneat per servicium militare [z] nos non habebimus custodiam heredis nec terre sue que est de feodo alterius occasione illius feodi firme vel [a] sokagii vel burgagii nec habebimus custodiam illius feodi firme vel [b] sokagii vel burgagii nisi ipsa feodi firma debeat servicium militare Nos non habebimus custo-

VARIAE LECTIONES.

[s] Et omnes kydelli deponantur de cetero per totum Avenlich et per totam Hyberniam nisi. D.
[t] *deest* homo. D.
[u] Dublin'. D.
[w] *deest* et. D.
[x] *deest* et. D.
[y] socagium. D.
[z] nec habebimus. D.
[a] soccagii. D.
[b] soccagii. D.

diam heredis vel terre alicujus quam tenet de alio per ſervicium militare occaſione alicujus parve [c] ſerjanterie quam tenet de nobis per ſervicium reddendi nobis cultellos vel
31 ſagittas vel hujuſmodi Nullus ballivus [d] ponat de cetero aliquem ad legem ſimplici loquela [d] ſua ſine teſtibus fidelibus ad hoc in- xxx
32 ductis Nullus liber homo capiatur vel imxxx priſonetur [e] aut diſſeiſiatur aut utlagetur aut exulet aut aliquo alio modo deſtruatur nec ſuper eum ibimus nec ſuper eum mittemus niſi per legale judicium parium ſuorum vel
33 per legem terre Nulli vendemus nulli ne- xl. gabimus aut differemus rectum aut juſticiam
34 Omnes mercatores niſi publice [f] ante prohi- xli. biti fuerint habeant ſalvum et ſecurum exire de [g] Anglia et venire in [h] Angliam et morari et ire per [i] Angliam tam per [k] terram quam per aquas ad emendum et vendendum ſine omnibus malis toltis per antiquas et rectas conſuetudines preterquam in tempore guerre et ſi ſint de terra contra nos guerrina et ſi tales inveniantur in terra noſtra in principio guerre attachientur ſine dampno corporum vel rerum donec ſciatur a nobis vel a capitali juſticiario noſtro quomodo mercatores

VARIAE LECTIONES.

c ſerjantie, D.
d *deeſt* ſua. D.
e vel. D.
f antea, D.
g Hybernia. D.
h Hyberniam. D.
i Hyberniam. D.
k terras. D.

terre

terre noſtre tractentur qui tunc invenientur
in terra contra nos guerrina et ſi noſtri ſalvi
xliii. ſint ibi alii ſalvi ſint in terra noſtra Si quis 35
tenuerit de aliqua eſcaeta ſicut de honore
Walingeford Notingeham Bolon' Lancaſtr'
vel [l] de aliis eſcaetis que ſunt in manu noſtra
et ſunt baronie et obierit heres ejus non det
aliud relevium nec faciat nobis aliud ſervi-
cium quam faceret baroni ſi terra illa eſſet in
manu baronis et nos eodem modo eam te-
xliv. nebimus quo baro eam tenuit Homines qui 36
manent extra foreſtam non veniant de cetero
coram juſticiariis noſtris de foreſta per com-
munes ſummonitiones niſi ſint in placito vel
plegii alicujus vel aliquorum qui attachiati
xlvi. [m] ſunt pro foreſta Omnes [n] barones qui fun- 37
daverint abbatias unde habent cartas regum
Anglie vel antiquam tenuram habeant earum
cuſtodiam cum vacaverint ſicut habere de-
xlvii. bent et ſicut ſupra declaratum eſt Omnes 38
foreſte que afforeſtate ſunt tempore regis
Johannis patris noſtri ſtatim deafforeſtentur
et ita fiat de [o] ripariis que per eundem Jo-
hannem tempore ſuo [p] poſite ſunt in defenſo
liv. Nullus capiatur vel impriſonetur propter ap- 39
pellum femine de morte alterius quam viri

VARIAE LECTIONES.

l *deeſt* de. D.
m ſint. D.
n homines qui fundaverint. D.
o gruariis qui. D.
p poſiti. D.

ſui

40 fui [q] Et si rex Johannes pater noster dissai- lvi.
fierit vel elongaverit Wallenses de terris vel
libertatibus vel aliis rebus sine legali judicio
parium suorum in Anglia vel in Wallia eis
statim reddantur et si contentio super hoc
orta fuerit tunc inde fiat in marchia per ju-
dicium parium suorum de tenementis Anglie
secundum legem Anglie de tenementis Wal-
lie secundum legem Wallie de tenementis
marchie secundum legem marchie idem fa-
41 cient Wallenses nobis et nostris Omnes lx.
autem istas consuetudines predictas et liber-
tates quas [r] nos concessimus in regno nostro
tenendas quantum ad nos pertinet erga nos-
tros omnes de regno nostro tam clerici quam
laici [s] observent quantum ad se pertinet erga
42 suos Quia vero quedam capitula in [t] priore
carta continebantur que gravia et dubitabilia
videbantur scilicet de scutagiis et auxiliis as-
sidendis de debitis Judeorum et aliorum et
de libertate exeundi de regno nostro [u] vel
redeundi in [w] regnum et de forestis et fores-
tariis [x] warennis et warennariis [y] et de con-
suetudinibus comitatuum et de ripariis et
earum custodibus placuit supradictis prelatis

VARIAE LECTIONES.

[q] *desunt* Et si rex, &c, *usque ad* nobis et nostris. D.
[r] *deest* nos. D.
[s] conservent. D.
[t] priori. D.
[u] et. D.
[w] regnum nostrum de. D.
[x] de warennis. D.
[y] *deest* et. D.

et

et magnatibus ea esse in respectu quousque plenius consilium habuerimus et tunc faciemus pleniſſime tam de hiis quam de aliis que occurrerint emendanda [z] que ad communem omnium utilitatem [a] pertinuerint et pacem et ſtatum noſtrum et regni noſtri Quia vero ſigillum nondum habuimus preſentem cartam ſigillis venerabilis patris noſtri domini Gualonis titulo ſancti Martini preſbiteri cardinalis apoſtolice ſedis legati et Willielmi Mariſcalli comitis Penbrok' rectoris noſtri et regni noſtri fecimus ſigillari Teſtibus omnibus prenominatis et aliis multis Dat' per [b] manus predictorum domini legati et Willielmi Mariſcalli [c] comitis Penbr' apud Briſtollum duodecimo die Novembris anno regni noſtri primo.

VARIAE LECTIONES.

[z] id quod ad. D.
[a] pertinuerit. D.
[b] manum. D.
[c] *deſunt* comitis Penbr'. D.

MAGNA CARTA

REGIS HENRICI III

ALTERA,

ANNO DOMINI MCCXVII.

HENRICUS Dei gracia rex [a]Anglie dominus Hibernie dux Normannie Acquitanie et comes Andegavie archiepiscopis episcopis abbatibus prioribus comitibus baronibus vicecomitibus prepositis ministris et omnibus baillivis et fidelibus suis presentem cartam inspecturis salutem Sciatis quod intuitu Dei et pro salute anime nostre et animarum anteccessorum et succcessorum nostrorum ad exaltationem [b]sancte ecclesie

VARIAE LECTIONES,
desumptae ex Libro Custumarum et Regum antiquorum London.
signantur Litera L.

[a] Anglie, &c, archiepiscopis, L. [b] *deest* sancte. L.

et

et emendationem regni noſtri [c] conceſſimus et hac preſenti carta confirmavimus pro nobis et heredibus noſtris in perpetuum de conſilio venerabilis patris noſtri domini [d] Gualonis titulo ſancti Martini preſbiteri cardinalis et apoſtolice ſedis legati domini Walteri Eborum archiepiſcopi Willielmi London' epiſcopi et aliorum epiſcoporum Anglie et Willielmi [e] Mariſcalli comitis Pembr' rectoris noſtri et regni noſtri et aliorum fidelium comitum et baronum noſtrorum Anglie has libertates ſubſcriptas tenendas in

i. regno noſtro Anglie in perpetuum In primis [f] conceſſimus Deo et hac preſenti carta noſtra confirmavimus pro nobis et heredibus noſtris in perpetuum quod Anglicana eccleſia libera ſit et habeat jura ſua integra et libertates ſuas illeſas Conceſſimus etiam omnibus liberis hominibus regni noſtri pro nobis et heredibus noſtris in perpetuum omnes libertates ſubſcriptas [g] tenendas eis et heredibus ſuis [h] de nobis et heredibus noſtris 1

ii. Si quis comitum vel baronum noſtrorum ſive aliorum tenentium de nobis in capite per ſervicium militare mortuus fuerit et cum deceſſerit heres ejus plene etatis fuerit et 2

VARIAE LECTIONES.

c concedimus, L.
d Gwallonis, L.
e Mareſcalli comitis de Penbrok', L.
f concedimus, L.
g habendas et tenendas, L.
h *deſunt* de nobis et heredibus noſtris, L.

relevium

relevium debeat habeat hereditatem ſuam per antiquum relevium ſcilicet heres vel heredes comitis de [i] baronia comitis integra per centum libras heres vel heredes baronis de baronia integra [k] per centum [l] libras heres vel heredes militis de feodo [m] militis integro [n] per centum ſolidos ad plus et qui minus debuerit minus det ſecundum antiquam con-
3 ſuetudinem feodorum Si autem heres ali- iii.
cujus talium fuerit infra etatem dominus ejus non habeat cuſtodiam ejus nec terre ſue antequam homagium ejus ceperit et poſtquam talis heres [o] fuerit in cuſtodia cum ad etatem pervenerit ſcilicet viginti et unius anni habeat hereditatem ſuam ſine relevio et ſine fine [p] ita tamen quod ſi ipſe infra etatem fuerit fiat miles nichilominus terra remaneat in cuſtodia dominorum ſuorum uſ-
4 que ad terminum predictum Cuſtos terre iv.
hujuſmodi heredis qui infra etatem fuerit non capiat de terra heredis niſi rationabiles exitus et rationabiles conſuetudines et rationabilia ſervicia et hoc ſine deſtructione [q] et vaſto hominum vel rerum et ſi [r] nos commiſerimus cuſtodiam alicujus [s] alicujus talis

VARIAE LECTIONES.

i comitatu integro centum. L.
k *deeſt* per. L.
l marcas. L.
m militari. L.
n *deeſt* per. L.
o *deſunt* fuerit in cuſtodia cum. L.
p *deſunt* ita tamen, *&c, uſque ad* terminum predictum. L.
q vel. L.
r *deeſt* nos. L.
s *deeſt alterum* alicujus. L.

terre

terre vicecomiti vel alicui alii qui de exitibus terre [t] illius nobis debeat reſpondere et ille deſtructionem de cuſtodia fecerit vel vaſtum nos ab illo capiemus [u] emendam et terra [w] committatur duobus legalibus et diſcretis hominibus de feodo illo qui de exitibus nobis reſpondeant vel [x] ei cui eos aſſignaverimus et ſi dederimus vel vendiderimus alicui cuſtodiam alicujus talis terre et ille deſtructionem inde fecerit vel vaſtum amittat ipſam cuſtodiam et tradatur duobus legalibus et diſcretis hominibus de feodo illo qui ſimiliter nobis reſpondeant ſicut predictum
v. eſt Cuſtos autem quamdiu cuſtodiam terre 5
habuerit ſuſtentet domos parcos [y] vivarios ſtagna molendina et cetera ad terram illam pertinentia de exitibus terre ejuſdem et reddat heredi cum ad plenam etatem pervenerit terram ſuam [z] totam inſtauratam de carucis et omnibus aliis rebus ad minus [a] ſecundum quod illam recepit Hec omnia obſerventur de cuſtodiis archiepiſcopatuum epiſcopatuum abbaciarum prioratuum eccleſiarum et dignitatum vacantium [b] que ad nos pertinent excepto quod cuſtodie hujuſ-
vi. modi vendi non debent Heredes mariten- 6

VARIAE LECTIONES.

t *deeſt* illius. L.
u emendas. L.
w committabitur. L.
x illi cui illos. L.
y vivaria. L.
z *deeſt* totam. L.
a ſicut illam. L.
b qui. L.

tur

7 tur absque disparagatione Vidua post mor- vii.
tem mariti sui statim et sine difficultate ali-
qua habeat maritagium suum et hereditatem
suam nec aliquid det pro dote sua et pro
maritagio suo [c] vel hereditate sua quam he-
reditatem maritus suus et ipsa tenuerint die
obitus [d] ipsius mariti et maneat in capitali
[e] mesuagio mariti sui per xl dies post obitum
ipsius mariti [f] sui infra quos assignetur ei dos
sua nisi prius fuerit ei assignata vel nisi do-
mus illa [g] sit castrum et [h] si de castro [i] reces-
serit [k] statim provideatur ei domus compe-
tens in qua possit honeste morari quousque
dos sua ei assignetur secundum quod predic-
tum est et habeat rationabile [l] estuverium
suum interim de communi Assignetur [l] au-
tem ei pro dote sua tercia pars totius terre
mariti sui que sua fuit in vita sua nisi de mi-
8 nori dotata fuerit ad [m] ostium eccleſie Nulla viii.
[n] vidua distringatur ad se maritand' dum vo-
luerit vivere sine marito ita tamen quod se-
curitatem faciat quod se non maritabit sine
assensu nostro si de nobis tenuerit vel sine
9 assensu domini sui si de alio tenuerit Nos ix.

VARIAE LECTIONES.

c et. L.
d mariti sui. L.
e mesuagio suo per. L.
f *deest* sui. L.
g fuerit. L.
h *deest* si. L.
i decesserit. L.
k *deest* statim. L.
l *deest* autem. L.
m hostium. L.
n *deest* vidua. L.

vero

vero vel baillivi noſtri non ſaiſiemus terram aliquam nec redditum pro debito aliquo quamdiu catalla debitoris preſentia ſufficiunt ad debitum reddendum et ipſe debitor paratus ſit inde ſatisfacere nec plegii ipſius debitoris diſtringantur quamdiu ipſe capitalis debitor ſufficiat ad ſolutionem debiti et ſi capitalis debitor defecerit in ſolutione debiti non habens unde reddat aut reddere nolit cum poſſit plegii reſpondeant pro debito et ſi voluerint habeant terras et redditus debitoris quouſque ſit eis ſatisfactum de debito quod ante pro eo ſolverint niſi capitalis debitor monſtraverit ſe inde eſſe quietum ver-
x. ſus eoſdem plegios Civitas London' habeat 10
omnes antiquas libertates et liberas conſuetudines ſuas Preterea volumus et concedimus quod omnes alie civitates et burgi et ville et barones de quinque [o] portibus et omnes portus habeant omnes libertates et
xi. liberas conſuetudines ſuas Nullus diſtrin- 11
gatur ad faciendum majus ſervicium de feodo militis nec de alio libero tenemento quam
xii. inde debetur Communia placita non ſe- 12
quantur curiam noſtram ſed teneantur in ali-
xiii. quo loco certo Recognitiones de nova diſ- 13
ſaiſina de morte anteceſſoris non capiantur niſi in ſuis comitatibus [p] et hoc modo Nos

VARIAE LECTIONES.

[o] portubus, L. [p] *deſunt* et hoc modo, L.

[q] vel

[q] vel si extra regnum fuerimus [r] capitalis justiciarius noster mittemus justiciarios per unumquemque comitatum semel in anno qui cum militibus [s] comitatuum capiant in
14 comitatibus assisas predictas Et ea que in xiv.
illo adventu suo in comitatu per justiciarios predictos ad dictas assisas capiendas missos terminari non possunt per eosdem terminentur alibi in itinere suo et ea que per eosdem propter difficultatem aliquorum articulorum [t] terminari non possunt referantur ad justiciarios nostros de banco et ibi terminentur
15 Assise de ultima presentatione semper [u] capiantur coram justiciariis de banco et ibi
16 terminentur Liber homo non amercietur xv.
pro parvo delicto nisi secundum modum ipsius delicti et pro magno delicto secundum magnitudinem delicti salvo contenemento suo et mercator eodem modo salva mercandisa sua et villanus alterius quam noster eodem modo amercietur salvo [w] wainagio suo si inciderit in misericordiam nostram et nulla predictarum misericordiarum ponatur nisi per sacramenta proborum et legalium homi-
17 num de visneto Comites et barones non xvi.
amercientur nisi per pares suos et non nisi

VARIAE LECTIONES.

q *deest* vel. L.
r et capitalis. L.
s comitatus. L.
t terminare. L.
u capientur. L.
w waynagio. L.

secundum

xvii. ſecundum modum delicti Nulla eccleſiaſ- 18
tica perſona amercietur ſecundum quantita-
tem beneficii ſui eccleſiaſtici ſed ſecundum
laicum tenementum ſuum et ſecundum
xviii. quantitatem delicti Nec villa nec homo 19
diſtringatur facere pontes [x] ad riparias niſi
qui ab antiquo et de jure facere debet Nulla 20
riparia de cetero defendatur niſi [y] ille que
fuerunt in defenſo tempore Henrici regis avi
noſtri per eadem loca et eoſdem terminos
xix. ſicut eſſe conſueverunt tempore ſuo Nullus 21
vicecomes conſtabularius coronatores vel alii
baillivi noſtri teneant placita corone noſtre
xx. Si aliquis tenens de nobis laicum feodum 22
moriatur et vicecomes vel baillivus noſter
oſtendat literas noſtras patentes de ſummo-
nitione noſtra de debito quod defunctus no-
bis debuit liceat vicecomiti vel baillivo noſ-
tro attachiare et inbreviare catalla defuncti
inventa in laico feodo ad valentiam illius
debiti per viſum legalium hominum ita ta-
men quod [z] nichil inde amoveatur donec
perſolvatur nobis debitum quod clarum fue-
rit et reſiduum relinquatur executoribus ad
faciendum teſtamentum defuncti et ſi [a] nichil
nobis debeatur ab ipſo omnia catalla cedant
defuncto ſalvis uxori ipſius [b] rationabilibus

VARIAE LECTIONES.

x aut. L.
y illa que fuerit. L.
z inde nil. L.
a nil. L.
b et pueris ſuis rationabilibus. L.

partibus

23 partibus ſuis Nullus conſtabularius vel bail- xxi.
livus ejus capiat blada [c] aût alia catalla ali-
cujus qui non ſit de villa ubi caſtrum ſitum
eſt niſi ſtatim inde reddat denarios aut re-
ſpectum inde habere poſſit de voluntate ven-
ditoris ſi autem de villa ipſa fuerit infra xl
24 dies precium reddat Nullus conſtabularius xxii.
diſtringat aliquem militem ad dandum de-
narios pro cuſtodia caſtri ſi ipſe eam facere
voluerit in propria perſona [d] ſua vel per alium
probum hominem ſi ipſe eam facere non
poſſit propter rationabilem cauſam et ſi nos
duxerimus eum vel miſerimus in [e] exercitum
erit quietus de cuſtodia ſecundum quantita-
tem temporis quo per nos fuerit in [f] exercitu
de feodo pro quo fecit ſervicium in [g] exer-
25 citu Nullus vicecomes vel baillivus noſter xxiii.
vel alius capiat equos vel [h] carettas alicujus
pro cariagio faciendo niſi reddat liberationem
antiquitus ſtatutam ſcilicet pro [i] caretta ad
duos equos decem denarios per diem et [k] pro
caretta ad tres equos quatuordecim denarios
26 per diem Nulla carecta dominica alicujus
eccleſiaſtice perſone vel militis vel alicujus
27 domine capiatur per baillivos predictos Nec xxiv.
nos nec baillivi noſtri nec alii capiemus alie-

VARIAE LECTIONES.

c vel. L.
d *deeſt* ſua. L.
e excercitum. L.
f g excercitu. L.
h carectas. L.
i carecta. L.
k de carecta. L.

num

num boſcum ad caſtra vel alia agenda noſtra
niſi per voluntatem [l] illius cujus boſcus [m] ille
xxv. fuerit Nos non tenebimus [n] terras eorum 28
qui convicti [o] fuerunt de felonia niſi per
unum annum et unum diem et tunc red-
xxvi. dantur terre dominis feodorum Omnes 29
[p] kidelli de cetero deponantur penitus per
[q] Tamiſiam vel Medewaiam et per totam
xxvii. Angliam niſi per coſteram maris Breve 30
quod vocatur Precipe de cetero non fiat ali-
cui de aliquo tenemento unde liber homo
xxviii. perdat curiam ſuam Una menſura vini ſit 31
per totum regnum noſtrum et una menſura
cerviſie et una menſura bladi ſcilicet quarte-
rium London' et una latitudo pannorum
tinctorum [r] et ruſſetorum et haubergetorum
ſcilicet due ulne infra liſtas De ponderibus
xxix. vero ſit ut de menſuris Nichil detur de ce- 32
tero pro brevi inquiſitionis ab eo qui inqui-
ſitionem petit de vita vel membris ſed gratis
xxx. concedatur et non negetur Si aliquis teneat 33
de nobis per feodifirmam vel [s] ſoccagium
vel per burgagium et de alio teneat terram
per ſervicium militare nos non habebimus
cuſtodiam heredis nec terre ſue que eſt de
feodo alterius occaſione illius feodifirme vel

VARIAE LECTIONES.

l ipſius. L.
m *deeſt* ille. L.
n terram. L.
o fuerint. L.
p kydelli. L.
q Thamiſiam & Medeweyam. L.
r *deeſt* et. L.
s per ſocagium. L.

[t] ſoccagii vel burgagii nec habebimus cuſtodiam illius feodifirme vel [u] ſoccagii vel burgagii niſi ipſa feodifirma debeat ſervicium militare Nos non habebimus cuſtodiam heredis vel terre alicujus quam tenet de alio per ſervicium militare occaſione alicujus parve [w] ſerjantarie quam tenet de nobis per ſervicium reddendi cultellos vel ſagittas vel
34 hujuſmodi Nullus baillivus ponat de cetero xxxi.
aliquem ad legem manifeſtam nec ad juramentum ſimplici loquela ſua ſine teſtibus
35 [x] fidelibus ad hoc inductis Nullus liber xxxii.
homo capiatur vel impriſonetur aut diſſaiſietur de libero tenemento ſuo vel libertatibus vel liberis conſuetudinibus ſuis aut utlagetur aut exuletur aut aliquo [y] alio modo deſtruatur nec ſuper eum ibimus nec ſuper eum mittemus niſi per legale judicium parium
36 ſuorum [z] vel per legem terre Nulli vende- xxxiii.
mus nulli negabimus aut differemus rectum
37 [a] aut juſticiam Omnes mercatores niſi pub- xxxiv.
lice antea prohibiti fuerint habeant ſalvum et ſecurum conductum exire de Anglia et venire in Angliam et morari et ire per Angliam tam per terram quam per aquam ad [b] emendendum vel vendendum ſine omnibus

VARIAE LECTIONES.

t ſocagii. L.
u ſocagii. L.
w ſerjantie. L.
x *deſunt* fidelibus ad hoc. L.
y *deeſt* alio. L.
z et. L.
a vel. L.
b venJendum et emendum. L.

toltis

toltis malis per antiquas et rectas consuetudines preterquam in tempore guerre et si sint de terra contra nos [c] guerriva et si tales inveniantur in terra nostra in principio [d] guerre [e] attachientur sine dampno corporum vel rerum donec sciatur a nobis vel [f] a capitali justiciario nostro quomodo mercatores terre nostre tractentur qui tunc inveniantur in terra contra nos [g] guerriva et si nostri
xxxv. salvi sint ibi alii salvi sint in terra nostra Si 38
quis tenuerit de aliqua [h] excaeta sicut de honore [i] Walingford Bolon' [k] Notingeham Lancastr' vel de aliis [l] escaetis que sunt in manu nostra et sint baronie et obierit heres ejus non det aliud relevium nec faciet nobis aliud servicium quam faceret baroni si illa esset in manu baronis et nos eodem modo eam tenebimus quo baro eam tenuit nec nos occasione talis baronie vel [m] excaete habebimus aliquam [n] excaetam vel custodiam aliquorum hominum nostrorum nisi alibi tenuerit de nobis in capite ille qui tenuit baroniam vel [o] excaetam Nullus liber homo de cetero 39
det amplius alicui vel vendat de terra sua

VARIAE LECTIONES.

c guerrina. L.
d *deest* guerre. L.
e attachiantur. L.
f *deest* a. L.
g guerrina. L.
h eschaeta. L.
i Wallingfordie. L.
k *deest* Notingeham. L.
l eschaetis. L.
m eschaete. L.
n eschaetam. L.
o eschaetam, L.

quam ut de reſiduo terre ſue poſſit ſufficienter fieri domino feodi ſervicium ei debitum
40 quod pertinet ad feodum illud Omnes patroni abbaciarum qui habent cartas regum Anglie de advocatione [p] vel antiquam tenuram vel poſſeſſionem habeant earum cuſtodiam cum vacaverint ſicut habere debent et xxxvii.
41 ſicut [q] ſupra declaratum eſt Nullus capiatur vel impriſonetur [r] propter appellum feminе de morte alterius quam viri ſui Nul- xxxix.
42 lus comitatus de cetero teneatur niſi de menſe in menſem et ubi major terminus eſſe ſolebat major ſit Nec aliquis vicecomes vel baillivus ſuus [s] faciat turnum ſuum per hundr' niſi bis in anno et non niſi in loco debito et conſueto videlicet ſemel poſt Paſcha et iterum poſt feſtum ſancti Michaelis Et viſus de franco plegio tunc fiat ad illum terminum ſancti Michaelis ſine occaſione ita ſcilicet quod quilibet habeat libertates ſuas quas habuit et habere conſuevit tempore Henrici regis avi noſtri vel quas poſtea perquiſivit Fiat autem viſus de franco plegio ſic videlicet quod pax noſtra teneatur et quod tethinga integra ſit ſicut eſſe conſuevit et quod vicecomes non querat occaſiones et quod contentus ſit de eo quod vicecomes

VARIAE LECTIONES.

p et per antiquam. L.
q ſuperius. L.
r per. L.
s faciant. L.

habere

habere consuevit de visu suo faciendo tempore Henrici regis avi nostri Non liceat 43
alicui de cetero dare terram suam alicui domui religiose ita quod illam resumat tenendam de eadem domo nec liceat alicui domui religiose terram alicujus sic accipere quod tradat eam illi a quo eam receperit tenendam Si quis autem de cetero terram suam alicui domui religiose sic dederit et super hoc convincatur donum suum penitus cassetur et terra illa domino suo illius feodi incurratur Scutagium capiatur de cetero sicut capi con- 44
suevit tempore Henrici regis avi nostri
xli. Omnes autem istas consuetudines predictas 45
et libertates quas concessimus in regno nostro tenendas quantum ad nos pertinet erga nostros omnes de regno nostro tam clerici quam laici [t] observent quantum ad se pertinet erga suos Salvis archiepiscopis episco- 46
pis abbatibus prioribus templariis [u] hospitalariis comitibus baronibus et omnibus aliis tam ecclesiasticis personis quam secularibus libertatibus et liberis consuetudinibus quas prius habuerunt Statuimus etiam de com- 47
muni consilio tocius regni nostri quod omnia castra adulterina [w] videlicet ea que a principio guerre mote inter dominum [x] Jo-

VARIAE LECTIONES.

[t] observant. L.
[u] hospitelariis. L.
[w] scilicet. L.
[x] regem. L.

hannem

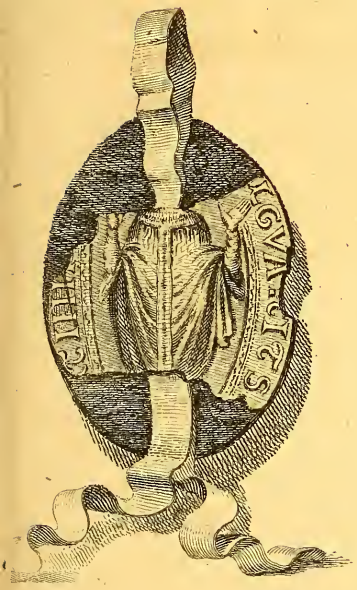
hannem patrem noſtrum et barones [y] ſuos Anglie conſtructa fuerint vel [z] reedificata ſtatim diruantur [a] Quia vero nondum habuimus ſigillum hanc ſigillis domini legati predicti et comitis Willielmi Mariſcalli rectoris et regni noſtri fecimus ſigillari.

VARIAE LECTIONES.

y *deſt* ſuos. L.

z edificata. L.

a Quia nondum ſigillum habuimus preſentem cartam ſigillo venerabilis patris noſtri G. titulo preſbiteri cardinalis et apoſtolice ſedis legati et Willielmi Mareſcalli rectoris noſtri et regni noſtri fecimus ſigillari Teſtibus prenominatis et aliis. L.





MAGNA CARTA

REGIS HENRICI III,

XI DIE FEBRUARII, MCCXXIV,

ANNO REGNI IX.

HENRICUS [a] Dei gracia rex Anglie dominus [b] Hybernie dux Normannie Aquitanie et comes Andegavie archiepiſco-

VARIAE LECTIONES,

deſumptae ex Carta autographa, in Eccleſia cathedrali Dunelmenſi aſſervata, ſignantur Litera D : —— *ex Carta de Inſpeximus, in Collegio Orielenſi, Litera* O : —— *ex Intratione in Libro rubro Scaccharii Weſtm.* (fol. clxxxiij.) *Litera* R : —— *ex Rotulo Stat. in Turri London.* 25 *Ed. I. m.* 39, 40, *Litera et Numero* T 25 : —— *ex Rotulo Cart. ibid.* 28 *Ed. I. m.* 6, 7, *Litera et Numero* T 28 : —— *ex utroque Rotulo, Literis* TT : —— *ex Carta de Inſpeximus, in Eccleſia collegiata Weſtmonaſterienſi, Litera* W.

[a] EDWARDUS Dei gratia rex Anglie dominus Hybernie et dux Aquitanie [archiepiſcopis epiſcopis abbatibus prioribus comitibus baronibus juſticiariis vicecomitibus prepoſitis miniſtris et omnibus ballivis et fidelibus ſuis. O.T28.W. —— omnibus ad quos preſentes litere pervenerint. T25.] ſalutem Inſpeximus magnam cartam domini H. quondam regis Anglie patris noſtri de libertatibus Anglie in hec verba HENRICUS &c. O.TT.W.

[b] Hibernie, &c. R.W.

pis

pis [c] epiſcopis abbatibus prioribus comitibus baronibus vicecomitibus prepoſitis miniſtris et omnibus ballivis et fidelibus ſuis preſentem cartam inſpecturis ſalutem Sciatis quod nos intuitu Dei [d] et pro ſalute anime noſtre et animarum anteceſſorum et ſucceſſorum noſtrorum ad exaltationem ſancte eccleſie et emendationem regni noſtri ſpontanea et bona voluntate noſtra dedimus et conceſſimus [e] archiepiſcopis epiſcopis abbatibus prioribus comitibus baronibus et omnibus de regno noſtro has libertates ſubſcriptas tenendas in regno noſtro Anglie [f] in perpetuum Inprimis conceſſimus Deo et hac preſenti carta [g] noſtra confirmavimus pro nobis et heredibus noſtris [h] in perpetuum quod Anglicana eccleſia libera ſit et habeat [i] omnia jura ſua integra et libertates ſuas illeſas Conceſſimus etiam [k] omnibus liberis hominibus regni noſtri pro nobis et heredibus noſtris [l] in perpetuum [m] omnes libertates ſubſcriptas habendas et tenendas eis et heredibus ſuis de nobis et heredibus noſtris [n] in perpetuum

VARIAE LECTIONES.

c epiſcopis comitibus baronibus, &c, ſalutem. R.
d *deeſt* et. R.
e archiepiſcopis, &c, et omnibus. R.
f imperpetuum. D.O.R.TT.W.
g *deeſt* noſtra. R.
h imperpetuum. D.O.R.TT.W.
i *deeſt* omnia. R.
k et dedimus omnibus, O.R.TT.W.
l imperpetuum. D.O.R.TT.W.
m has libertates. O.TT.W.
n imperpetuum. O.TT.W. *deſunt* in perpetuum. D.R.

Si

ii. Si quis comitum vel baronum noſtrorum 2
[o] ſive aliorum tenencium de nobis in capite
per ſervicium militare mortuus fuerit et cum
deceſſerit heres ejus plene etatis fuerit et re-
levium debeat habeat hereditatem ſuam per
antiquum relevium ſcilicet heres vel heredes
comitis de [p] baronia comitis integra per cen-
tum libras heres vel heredes baronis de ba-
ronia integra per centum [q] libras heres vel
heredes militis de feodo militis integro per
centum ſolidos ad plus et qui minus [r] de-
buerit minus det ſecundum antiquam con-
iii. ſuetudinem feodorum Si autem heres ali- 3
cujus talium fuerit infra etatem dominus
ejus non habeat cuſtodiam ejus nec terre ſue
antequam homagium ejus ceperit et poſt-
quam talis heres fuerit in cuſtodia cum ad
etatem pervenerit ſcilicet viginti et unius
[s] anni habeat hereditatem ſuam ſine relevio
et ſine fine ita tamen quod ſi ipſe dum infra
etatem fuerit fiat miles nichilominus terra
remaneat in cuſtodia dominorum ſuorum
iv. uſque ad terminum predictum Cuſtos terre 4
hujuſmodi heredis qui infra etatem fuerit
non capiat de terra heredis niſi rationabiles
exitus et rationabiles conſuetudines et ra-
tionabilia ſervicia et hoc ſine deſtructione

VARIAE LECTIONES.

o ſeu. R.
p comitatu integro. O.TT.W.
q marcas. O.TT.W.
r habuerit. O.TT.W.
s annorum. O.

et

et vaſto hominum [t] vel rerum et ſi nos commiſerimus cuſtodiam alicujus talis terre vicecomiti vel [u] alicui alii qui de exitibus terre illius nobis debeat reſpondere et [w] ille deſtructionem de cuſtodia fecerit vel vaſtum nos ab [x] illo capiemus emendam et terra [y] committetur duobus legalibus et diſcretis hominibus de feodo illo qui de exitibus [z] nobis reſpondeant vel [a] ei cui eos aſſignaverimus et ſi dederimus vel vendiderimus alicui cuſtodiam alicujus talis terre et ille deſtructionem [b] inde fecerit vel vaſtum amittat [c] ipſam cuſtodiam et tradatur duobus legalibus et diſcretis hominibus de feodo illo qui ſimiliter nobis reſpondeant ſicut predictum eſt Cuſtos autem quamdiu cuſtodiam terre [d] habuerit ſuſtentet domos parcos [e] vivaria ſtagna [f] molendina et cetera ad terram illam pertinencia de exitibus terre ejuſdem et reddat heredi cum ad plenam etatem pervenerit terram ſuam totam inſtauratam de carucis et [g] omnibus aliis rebus ad minus [h] ſecundum quod illam recepit Hec

v.

VARIAE LECTIONES.

t et. O.TT.W.
u *deeſt* alicui. R.
w *deeſt* ille. R.
x eo. O.TT.W.
y committatur. O.R.TT.W.
z terre illius nobis. O.TT.W.
a *deeſt* ei. R. illi cui illos. O. TT.W.
b *deeſt* inde. R.
c illam. O.R.TT.W.
d hujuſmodi habuerit. O.TT.W.
e *deeſt* vivaria. D.
f et molendina. R.
g de omnibus. TT.W.
h ſicut illam. O.TT.W.

omnia

omnia obſerventur de cuſtodiis archiepiſcopatuum epiſcopatuum abbaciarum prioratuum eccleſiarum et dignitatum vacancium que ad nos pertinent excepto quod hujuſ-
vi. modi cuſtodie vendi non debent Heredes 6
vii. maritentur abſque diſparagatione Vidua 7
poſt mortem mariti ſui ſtatim et ſine difficultate aliqua habeat maritagium ſuum et hereditatem ſuam nec aliquid [i] det pro dote ſua [k] vel pro maritagio ſuo [l] vel pro hereditate ſua quam hereditatem maritus ſuus et ipſa tenuerunt [m] die obitus ipſius mariti [n] et maneat in capitali [o] meſagio ipſius mariti ſui per quadraginta dies poſt obitum [p] ipſius mariti [q] ſui infra quos [r] aſſignetur ei dos ſua niſi prius ei fuerit aſſignata vel niſi domus illa ſit caſtrum et ſi de caſtro receſſerit ſtatim provideatur ei domus competens in qua poſſit honeſte morari quouſque dos ſua ei aſſignetur [s] ſecundum quod predictum eſt et habeat rationabile eſtoverium ſuum interim de communi Aſſignetur autem ei pro dote [t] ſua tercia pars tocius terre mariti ſui que ſua fuit in vita ſua niſi de minori dotata fue-

VARIAE LECTIONES.

i *deeſt* det. W.
k nec. O.R.TT.W.
l nec. R.
m ſimul die. O.TT.W.
n ſui et. O.R.TT.W.
o meſuagio mariti. O.R.TT.W.
p *deeſt* ipſius. O.R.TT.W.
q *deeſt* ſui. R.
r dies aſſignetur. O.TT.W.
s ſicut predictum. D.O.
t *deeſt* ſua. O.R.

rit

rit ad [u] hoſtium eccleſie Nulla vidua diſ- viii.
tringatur ad ſe [w] maritandum dum vivere vo-
luerit ſine marito ita tamen quod ſecuritatem
[x] faciet quod ſe non maritabit ſine aſſenſu
noſtro ſi de nobis tenuerit vel [y] ſine aſſenſu
8 domini ſui ſi de alio tenuerit Nos vero vel ix.
ballivi noſtri non ſeiſiemus terram aliquam
[z] nec redditum pro debito aliquo quamdiu
catalla debitoris preſencia [a] ſufficiant ad de-
bitum reddendum et ipſe debitor paratus ſit
inde ſatisfacere nec plegii [b] ipſius debitoris
diſtringantur quamdiu ipſe capitalis debitor
ſufficiat ad ſolutionem [c] debiti et ſi capitalis
debitor defecerit in ſolutione debiti non ha-
bens unde reddat aut reddere nolit cum poſ-
ſit plegii reſpondeant [d] pro debito et ſi vo-
luerint habeant terras et redditus debitoris
quouſque ſit eis ſatisfactum de debito quod
[e] ante pro eo [f] ſolverunt niſi capitalis debi-
tor monſtraverit ſe inde eſſe quietum verſus
9 eoſdem plegios Civitas London' habeat om- x.
nes [g] antiquas libertates et [h] liberas conſue-
tudines ſuas Preterea volumus et concedi-
mus quod omnes alie civitates et burgi et

VARIAE LECTIONES.

u oſtinm. O.R.
w maritandum. W.
x faciat. O.R.TT.W.
y *deeſt* ſine. R.
z vel. O.R.TT.W.
a ſufficiunt. O.R.TT.
b *deeſt* ipſius. O.
c ipſius debiti. O.TT.W.
d de. O.R.TT.W.
e antea. O.R.W.
f ſalverunt. O.
g libertates ſuas antiquas. O.TT.W.
h *deeſt* liberas. O.TT.W.

ville

ville et barones de quinque portubus et omnes portus habeant omnes libertates [i] et li-
xi. liberas consuetudines suas Nullus distringa- 10
tur ad faciendum majus servicium de feodo militis nec de alio libero tenemento quam
xii. inde debetur Communia placita non se- 11
quantur curiam nostram [k] set teneantur in
xiii. aliquo loco certo Recognitiones de nova 12
disseisina et de morte antecessoris non capiantur nisi in suis comitatibus et hoc modo Nos [l] vel si extra regnum fuerimus capitalis justiciarius noster [m] mittemus justiciarios [n] per unumquemque comitatum semel in anno qui cum militibus comitatuum capiant
xiv. in comitatibus assisas predictas Et [o] ea que in illo adventu suo in [p] comitatu per justiciarios [q] predictos ad dictas assisas capiendas missos terminari non possunt per eosdem terminentur alibi in itinere suo et ea que per eosdem propter difficultatem aliquorum articulorum terminari non possunt referantur ad justiciarios nostros de banco et ibi termi-
xv. nentur Assise de ultima presentatione sem- 13
per capiantur coram justiciariis [r] nostris de
xvi. banco et ibi terminentur Liber homo non 14

VARIAE LECTIONES.

i suas et. TT.
k sed. O.R.
l *deest* vel. R.
m mittet. R.
n nostros per. O.TT.W.
o illa. TT.W.
p comitatus. O.TT.
q nostros predictos. O.TT.W.
r *deest* nostris. O.R.TT.W.

amercietur

amercietur pro parvo delicto [s] nisi secundum modum ipsius delicti et pro magno delicto secundum magnitudinem delicti salvo contenemento suo et mercator eodem modo salva mercandisa sua et [t] villanus alterius quam noster eodem modo amercietur salvo [u] wainagio suo [w] si inciderit in [x] misericordiam nostram [y] et nulla predictarum misericordiarum ponatur nisi per sacramentum proborum et legalium hominum de visneto Comites xvii.
et barones non amercientur nisi per pares suos et non nisi secundum modum delicti Nulla ecclesiastica persona amercietur secun- xviii.
dum quantitatem beneficii sui ecclesiastici [z] set secundum laicum tenementum suum et
15 secundum quantitatem delicti Nec villa xix.
nec [a] homo distringatur facere pontes ad riparias nisi qui [b] ex antiquo et de jure facere
16 [c] debet Nulla riparia de cetero defendatur xx.
nisi ille que fuerunt in defenso tempore regis Henrici avi nostri per eadem loca et [d] eosdem terminos sicut esse consueverunt
17 tempore suo Nullus vicecomes constabula- xxi.
rius [e] coronatores vel alii ballivi nostri te-

VARIAE LECTIONES.

s set secundum. D.
t si villanus. R.
u wanagio. T 25. waynagio. W.
w et si. R.
x manum. TT.
y *deest* et. R.
z sed. O.R.
a liber homo. O.TT.W.
b ab. O.R.TT.W.
c debent Nulle riparie defendantur de cetero. O.R.TT.W.
d per eosdem. O.
e coronator. O.TT.W.

neant

xxii. neant placita corone noſtre Si aliquis tenens 18
de nobis laicum feodum moriatur et vicecomes vel ballivus noſter oſtendat litteras noſtras patentes de ſummonitione noſtra de debito quod defunctus nobis debuit liceat vicecomiti [f] vel ballivo noſtro attachiare et [g] inbreviare catalla defuncti inventa in laico feodo ad valenciam illius debiti per viſum legalium hominum ita tamen quod nichil [h] inde amoveatur donec perſolvatur nobis debitum quod clarum fuerit et reſiduum relinquatur executoribus ad faciendum teſtamentum defuncti et ſi nichil nobis debeatur ab ipſo omnia [i] catalla cedant defuncto ſalvis uxori [k] ipſius et pueris ſuis rationabilibus
xxiii. partibus ſuis Nullus conſtabularius [l] vel 19
ejus ballivus capiat blada [m] vel alia catalla alicujus qui non [n] ſit [o] de villa ubi caſtrum ſitum [p] eſt niſi ſtatim [q] inde reddat denarios aut reſpectum inde habere poſſit de voluntate venditoris ſi autem de villa ipſa fuerit
xxiv. infra quadraginta dies precium reddat Nul- 20
lus conſtabularius diſtringat aliquem militem ad dandum denarios pro cuſtodia caſtri

VARIAE LECTIONES.

f noſtro vel. R.
g imbreviare omnia bona et catalla. O.TT.W.
h *deeſt* inde. D.
i *deeſt* catalla. R.
k ejus et pueris ipſius. O.TT.W. ipſius et filiis ſuis. R.
l aut. O.
m aut. O.
n ſivit. R.
o in. O.
p fit. R.
q *deeſt* inde. D.

si ipse eam facere voluerit in propria persona sua vel per alium probum hominem [r] si ipse eam facere non possit propter rationabilem causam et si nos [s] duxerimus eum vel miserimus in [t] exercitum [u] erit quietus de custodia secundum quantitatem temporis quo per nos fuerit in [w] exercitu de feodo pro quo
21 fecit servicium in [x] exercitu Nullus vice- xxv.
comes vel ballivus noster vel [y] alius capiat equos vel carettas alicujus pro cariagio faciendo nisi reddat liberationem antiquitus statutam scilicet pro [z] caretta ad duos equos decem denarios per diem et pro caretta ad tres equos quatuordecim denarios per diem Nulla caretta dominica alicujus ecclesiastice xxvi.
persone vel militis vel alicujus [a] domine capiatur per ballivos [b] predictos Nec nos nec xxvii.
ballivi nostri nec alii capiemus [c] alienum boscum ad castra vel [d] alia agenda nostra nisi per voluntatem illius cujus boscus ille fue-
22 rit Nos non tenebimus terras [e] eorum qui xxviii.
convicti fuerint de felonia nisi per unum annum et unum diem et tunc reddantur terre
23 [f] dominis feodorum Omnes kidelli dece- xxix.

VARIAE LECTIONES.

r faciat si. O.TT.W.
s adduxerimus. O.TT.W.
t excercitum. TT.W.
u sit. O.TT.W.
w x excercitu. TT.W.
y aliquis alius. O.TT.W. aliquis capiat. R.
z una caretta. O.TT.W.
a domini. O.R.
b nostros. O.TT.W.
c *deest* alienum. R.
d ad alia. O.TT.W.
e illorum. O.TT.W.
f ille dominis. O.TT.W.

tero

tero deponantur penitus per [g] Tamisiam et [h] Medweiam et per totam Angliam nisi per
xxx. costeram maris Breve quod vocatur Pre- 24
cipe decetero non fiat alicui de aliquo [i] tenemento unde liber homo perdat curiam
xxxi. suam Una mensura vini sit per totum reg- 25
num nostrum et una mensura cervisie et una mensura bladi scilicet quarterium London' et una latitudo pannorum tinctorum [k] et russettorum et haubergettorum scilicet due ulne infra listas de ponderibus vero sit
xxxii. [l] ut de mensuris Nichil detur de cetero pro 26
brevi inquisitionis ab eo qui inquisitionem petit de vita vel [m] membris set gratis con-
xxxiii. cedatur et non negetur Si [n] aliquis teneat 27
de nobis per feodifirmam vel [o] soccagium vel [p] per burgagium et de alio terram [q] teneat per servicium militare nos non habebimus custodiam heredis nec terre sue que est de feodo alterius occasione illius feodifirme vel [r] soccagii vel burgagii nec habebimus custodiam [s] illius feodifirme vel [t] soccagii vel burgagii nisi ipsa feodifirma debeat servi-

VARIAE LECTIONES.

g Thamisiam. W.
h Medeweyam. O.R.TT.W.
i libero tenemento. O.TT.W.
k *deest* et. O.TT.W.
l sicut. O.TT.W.
m de membris. O.TT.W.
n quis. R. aliqui teneant. O.TT. W.
o sokagium. R. per sokagium. O. per socagium. TT.W.
p *deest* per. O.R.TT.W.
q teneant. O.TT.W.
r sokagii. O.R. socagii. TT.W.
s *deest* illius. R.
t sokagii. O.R. socagii. TT.W.

cium militare Nos non habebimus cuſtodiam heredis [u] vel terre alicujus quam tenet de [w] alio per ſervicium militare occaſione alicujus parve [x] ſerjanterie quam tenet de nobis per ſervicium reddendi nobis cultellos
28 vel ſagittas, vel hujuſmodi Nullus ballivus xxxiv. ponat decetero aliquem ad legem manifeſtam [y] vel ad juramentum ſimplici loquela [z] ſua ſine teſtibus fidelibus ad hoc inductis
29 Nullus liber homo [a] capiatur vel impriſonetur aut [b] diſſeiſiatur de [c] aliquo libero tenemento ſuo vel libertatibus vel liberis conſuetudinibus ſuis aut utlagetur aut exulet aut aliquo [d] alio modo deſtruatur nec ſuper eum ibimus nec ſuper eum mittemus niſi per legale judicium parium ſuorum vel per legem terre Nulli vendemus nulli negabimus aut xxxvi.
30 differemus rectum vel juſticiam Omnes xxxvii. mercatores niſi publice antea prohibiti fuerint habeant ſalvum [e] et ſecurum exire de Anglia et venire in Angliam et morari et ire per Angliam tam per terram quam per aquam ad emendum [f] vel vendendum ſine omnibus [g] toltis malis per antiquas et rectas

VARIAE LECTIONES.

[u] vel. O.R.TT.W.
[w] aliquo alio. O.TT.W.
[x] ſerjantie. O.R.TT.W.
[y] nec. O.TT.W.
[z] *deeſt* ſua. R.
[a] de cetero capiatur aut impriſonetur. D.
[b] diſſeiſietur. O.R.W.
[c] *deeſt* aliquo. O.R.TT.W.
[d] *deeſt* alio. O.TT.W.
[e] conductum exire. O.TT.W.
[f] et. O.R.TT.W.
[g] tolnagiis. R.

conſue-

consuetudines preterquam in tempore [h]gwerre et si sint de terra contra nos [i] gwerriva et [k] si tales inveniantur in terra nostra in principio [l] gwerre attachientur sine dampno corporum vel rerum donec sciatur a nobis vel a capitali justiciario nostro quomodo mercatores [m] terre nostre tractentur qui tunc [n] invenientur in terra [o] contra nos [p] gwerriva et si nostri salvi [q] sint ibi alii salvi sint in terra
xxxviii. nostra Si quis tenuerit de aliqua escaeta 31
sicut de honore [r] de Wallingeford' Bolon' Noting' Lancastr' vel [s] de aliis escaetis que sunt in manu nostra et sint baronie et obierit heres ejus non det aliud relevium nec faciat nobis aliud servicium quam faceret baroni si [t] ipsa esset in manu baronis et nos eodem modo [u] eam tenebimus quo [w] baro eam tenuit nec nos occasione talis baronie vel [x] escaete habebimus [y] aliquam escaetam vel custodiam aliquorum hominum nostrorum nisi alibi tenuerit de nobis in capite ille qui [z] tenuit baroniam vel escaetam

VARIAE LECTIONES.

h guerre. D.O.R.TT.W.
i guerrina. D.O.R.TT.W.
k *deest* si. O.TT.W.
l guerre. D.O.R.TT.W.
m *desunt* terre nostre. R.
n inveniuntur. O.R.TT.W.
o illa contra. O.TT.W.
p guerrina. D.O.TT.W. in guerra. R.
q sunt. O.TT.W.
r *deest* de. D.O.TT.W.
s *deest* de. O.TT.W.
t illa. O.TT.W. baronia. R.
u *deest* eam. D.
w modo baro. R.
x excaete. D.
y talem aliquam. R.
z tenuerit. W.

Nullus

32 Nullus liber homo decetero det amplius vel xxxix.
vendat alicui de terra ſua quam ut de reſi-
duo terre ſue poſſit ſufficienter fieri domino
feodi ſervicium ei debitum quod pertinet ad
33 feodum illud Omnes patroni abbaciarum xl.
qui habent cartas regum Anglie de advoca-
tione vel [a] antiquam tenuram vel poſſeſſio-
nem habeant earum cuſtodiam cum vacave-
rint ſicut habere debent et ſicut [b] ſupra de-
34 claratum eſt. Nullus capiatur [c] vel impriſo- xli.
netur [d] propter appellum femine de morte
35 alterius quam viri ſui Nullus comitatus de- xlii.
cetero teneatur niſi de menſe in menſem et
ubi major terminus eſſe ſolebat major ſit
Nec aliquis vicecomes [e] vel ballivus [f] faciat
turnum ſuum per [g] hundredum niſi bis in
anno et non niſi in loco debito et conſueto
videlicet ſemel poſt Paſcha et iterum poſt
feſtum ſancti Michaelis Et viſus de franco
plegio tunc fiat ad illum terminum [h] ſancti
Michaelis ſine occaſione [i] ita [k] ſcilicet quod
quilibet habeat libertates ſuas quas habuit
[l] et habere conſuevit tempore regis Henrici
avi noſtri vel [m] quas poſtea perquiſivit Fiat

VARIAE LECTIONES.

[a] antiqua tenura vel poſſeſſione. R.
[b] ſuperius. O.R.TT.W.
[c] aut. O.TT.W.
[d] per appellationem alterius femine quam viri ſui. R.
[e] *deſunt* vel ballivus. R.
[f] ſuus faciat. O.TT.W.
[g] hundreda. O.W.
[h] *deſunt* ſancti Michaelis. R.
[i] ad feſtum ſancti Michaelis ita. R.
[k] videlicet. W.
[l] vel. O.TT.
[m] *deeſt* quas. R.

autem

autem visus de franco plegio sic videlicet quod pax nostra teneatur et quod [n] tethinga integra sit sicut esse consuevit et quod vicecomes non querat occasiones et quod contentus sit [o] eo quod vicecomes habere consuevit de visu suo faciendo tempore regis
xliii. Henrici avi nostri [p] Non liceat alicui decetero dare terram suam [q] alicui domui religiose ita quod [r] illam [s] resumat tenendam de eadem domo [t] nec liceat alicui domui religiose terram alicujus sic accipere quod tradat [u] illam [w] ei a quo [x] ipsam recepit tenendam Si quis autem decetero terram suam alicui domui religiose sic dederit [y] et super hoc convincatur donum suum penitus cassetur et terra illa domino [z] suo illius feodi [a] incurra-
xliv. tur Scutagium decetero capiatur sicut capi [b] solebat tempore regis Henrici avi nostri
xlvi. Et salve sint archiepiscopis episcopis abbatibus prioribus templariis [c] hospitalariis comitibus baronibus et omnibus aliis tam ecclesiasticis quam secularibus personis [d] liber-

36

37

VARIAE LECTIONES.

n theothinga teneatur integra sicut. O.TT.W.
o de eo. O.R.TT.W.
p Nec. O.TT.W.
q *deest* alicui. O.TT.W.
r eam. D.
s resignet. R.
t non. R.
u eam. R.W.
w illi. O.R.TT.W.
x eam. O.TT.W. illam. R.
y *deest* et. R.
z *deest* suo. O.TT.W.
a penitus incurratur. R.
b consuevit. O.R.TT.W.
c hospitelariis. TT.W.
d omnes libertates. O.TT.W.

tates

tates et libere consuetudines quas prius habuerunt Omnes [e] autem [f] istas consuetudi- xlv.
nes predictas et libertates quas concessimus in regno nostro tenendas quantum ad nos pertinet erga nostros omnes de regno nostro tam clerici quam laici [g] observent quantum ad se pertinet erga suos Pro hac autem concessione et donatione libertatum istarum et aliarum [h] libertatum contentarum in carta nostra de libertatibus foreste archiepiscopi [i] episcopi abbates priores comites barones milites libere tenentes et omnes de regno nostro dederunt nobis quintam decimam [k] partem omnium mobilium suorum Concessimus etiam eisdem pro nobis et heredibus nostris quod nec nos nec heredes nostri aliquid perquiremus per quod libertates in hac carta contente infringantur vel infirmentur et si ab aliquo aliquid contra hoc perquisitum fuerit nichil valeat et pro nullo habeatur [l] Hiis testibus domino S. Cantuar' archiepiscopo E. London' [m] J. Bathon' P. Winton' H. Linc.' [n] B. Roffen' W. Wigorn' J. Elien' H. Hereford' R. Ciceſtr' [o] W.

VARIAE LECTIONES.

e *deest* autem. R.
f *deest* istas. O.TT.W.
g observant. R.
h *deest* libertatum. O.R.TT.W.
i episcopi, &c, et libere. R.
k *deest* partem. R.
l *Explicit Intratio* R.
m episcopo J. Bathon' episcopo P. Wynton'. O.TT.W.
n R. Sarr.' B. Roffen'. D. R. Sarr'. W. Roffen'. O.TT.W.
o et W. Exon'. D.

Exon'

Exon' episcopis abbate sancti Edmundi abbate sancti Albani abbate de Bello abbate sancti Augustini Cant' abbate de Evesham' abbate de Westmon' abbate de burgo sancti Petri abbate de Rading' abbate de Abendon' abbate de [p] Maumebir' abbate de Winchecumb' abbate de Hida abbate de Certes' abbate de Sireburn' abbate de Cern' abbate de [q] Abotebir' abbate de Middleton' abbate de Seleby [r] abbate de Wyteby abbate de Cirenc' H. de Burg' justiciario [s] R. comite Cestr' et Linc' W. comite Sarr' W. comite Warenn' G. de Clar' comite Glouc' et Hertford' W. de Ferrar' comite [t] de Derb' W. de Mandevill' comite Essex' H. le Bigod comite Norff' W. comite Aubemarl' [u] H. comite Hereford' Johanne constabulario Cestr' Roberto de Ros Roberto filio Walteri Roberto de Veteri Ponte Willielmo [w] Brigwerr' Ricardo de Munfich' Petro filio Herberti Matheo filio Herberti Willielmo de [x] Albiniaco [y] Roberto Gresl' [z] Reginaldo de Brahus Johanne de [a] Munem' Johanne filio Alani Hugone de Mortuo Mari Waltero de Bello

VARIAE LECTIONES.

p Malmesbury. O.TT.W.
q Abbotesbury. O.T28.W.
r *desunt* abbate de Wyteby. O. TT.W.
s H. comite. O.TT.W.
t *deest* de. D.O.TT.W.
u W. comite. D.
w de Bruera. O.TT.W.
x Aubany. TT.
y Ff. de Gresly. O. Ff. Gresly. TT.W.
z Ff. de Breus. O.TT.W.
a Munemuth. O.W. Munemue. TT.

Campo

Campo Willielmo de ſancto Johanne Petro de [b] Mala Lacu Briano de Inſula Thoma de Muleton' Ricardo de Argentein Gaufrido de Nevill' Willielmo Mauduit Johanne de Baalun' [c] Dat' apud Weſtmon' undecimo die Februarii anno regni noſtri nono [d].

VARIAE LECTIONES.

[b] Malo. O.TT.W.

[c] et aliis Dat'. O.TT.W.

[d] Nos autem donationes et conceſſiones predictas ratas habentes et gratas eas pro nobis et heredibus noſtris concedimus et confirmamus eaſque tenore preſentium innovamus volentes et concedentes pro nobis et heredibus noſtris quod carta predicta in omnibus et ſingulis ſuis articulis imperpetuum firmiter et inviolabiliter obſervetur etiamſi aliqui articuli in eadem carta contenti hucuſque forſitan non fuerint obſervati. O.TT.W. [In cujus rei teſtimonium has litteras noſtras fieri fecimus patentes T. Edwardo filio noſtro apud Weſtm' duodecimo die Octobris anno regni noſtri viceſimo quinto. T25.—Hiis teſtibus venerabilibus patribus R. Cantuar' archiepiſcopo totius Anglie primate A. {Dunolm. O. . . . / Dunelm. W. . . . / Dunelm.epiſcopo.T28.} R. London' R. Elyen' Th. Exon' W. Coventr' et Lychefeld' S. Sar' J. Roff' J. Norwycen' et J. Landaven' epiſcopis J. Lincoln' electo Johanne de Warenn' comite Surr' Thoma comite Lancaſtr' Rogero le Bygod comite Norff' et mareſcallo Anglie Henrico de Lacy comite Lincoln' Radulpho de Monte Hermer comite Glouceſtr' et Hertford' Humfrido de Bohun comite Hereford' et Eſſex' Guydone de Bello Campo comite Warr' Ricardo filio Alani comite Arundel' Reginaldo de Grey Johanne de Haſtinges Henrico de Percy Hugone le Deſpenſer Hugone de Veer Roberto de Tateſhale Hugone Bardolf Hugone de Curteney Johanne de Segrave Henrico de Grey Willielmo {le. O. . . / de. T28.W.} Ros de Helmeſleye Alano la Zuſche Roberto de Tony Roberto de Monte Alto Willielmo de Breus Thoma de Furnivall Johanne {Engayne. O. . . / Engaigne. T28.W.} Petro Corbet Willielmo de Leyburne Willielmo le Latimer Waltero de Bello Campo ſeneſcallo hoſpitii noſtri Waltero de Huntercumbe et aliis Dat' per manum noſtram apud Weſtm' viceſimo octavo die Martii anno regni noſtri viceſimo octavo. O.T28.W.]


HENRICVS DEI GRA. REX ANGLIE DOMINVS HIBERNIE

CARTA DE FORESTA

REGIS HENRICI III,

XI DIE FEBRUARII, MCCXXIV,

ANNO REGNI IX.

HENRICUS [a]Dei gracia rex Anglie dominus Hybernie dux Normannie Aquitanie et comes Andegavie archiepiſ-

VARIAE LECTIONES,

deſumptae ex Carta de Inſpeximus, in Eccleſia cathedrali Dunelmenſi aſſervata, ſignantur Literis D,Inſp. —— *ex Carta de Inſpeximus, in Collegio Orielenſi, Litera* O: —— *ex Rotulo Stat.* 25 *Ed. I. in Turri London. m.* 38, 39, *Litera et Numero* T25: —— *ex Rotulo Cart.* 28 *Ed. I. ibid. m.*6, *Litera et Numero* T28: —— *ex utroque Rotulo, Literis* TT.

[a] EDWARDUS Dei gratia rex Anglie dominus Hybernie et dux Aquitanie [archiepiſcopis epiſcopis abbatibus prioribus comitibus baronibus juſticiariis vicecomitibus prepoſitis miniſtris et omnibus ballivis et fidelibus ſuis. D,Inſp.O. —— archiepiſcopis &c juſticiariis foreſtariis vicecomitibus prepoſitis et omnibus ballivis et fidelibus ſuis preſentem cartam inſpecturis. T28. —— omnibus ad quos preſentes littere pervenerint. T25.] ſalutem Inſpeximus cartam domini H. quondam regis Anglie patris noſtri de foreſta in hec verba HENRICUS &c. D,Inſp.O,TT.

copis

copis epiſcopis abbatibus prioribus comitibus baronibus juſticiariis *foreſtariis vice*-comitibus prepoſitis miniſtris et omnibus ballivis et fidelibus ſuis preſentem cartam inſpecturis ſalutem Sciatis quod nos intuitu Dei et pro ſalute anime noſtre et animarum anteceſſorum et ſucceſſorum noſtrorum ad exaltationem ſancte eccleſie et emendationem regni noſtri ſpontanea et bona voluntate noſtra dedimus et conceſſimus archiepiſcopis epiſcopis [b] comitibus baronibus et omnibus de regno noſtro has libertates ſubſcriptas tenendas in
1 regno noſtro Anglie imperpetuum Inprimis omnes foreſte quas Henricus rex avus noſter afforeſtavit videantur per bonos et legales homines et ſi boſcum aliquem alium quam ſuum dominicum afforeſtaverit ad dampnum [c] illius cujus boſcus ille fuerit deafforeſtetur et ſi boſcum ſuum proprium afforeſtaverit remaneat foreſta ſalva [d] communa de herbagio et aliis in eadem foreſta illis qui prius eam habere conſueverunt
2 Homines vero qui manent extra foreſtam non veniant de cetero coram juſticiariis noſtris de foreſta per communes ſummonitiones niſi ſint in placito vel plegii alicujus vel ali-

VARIAE LECTIONES.

[b] abbatibus prioribus comitibus. D,Inſp.O.

[c] ipſius. D,Inſp.O.

[d] communia. D,Inſp.O.

quorum

quorum qui attachiati ſunt propter foreſtam
Omnes autem boſci qui [c] fuerint afforeſtati 3
per regem Ricardum avunculum noſtrum
vel per regem Johannem patrem noſtrum
uſque ad primam coronationem noſtram ſta-
tim deafforeſtentur niſi ſit dominicus boſcus
noſter Archiepiſcopi epiſcopi abbates prio- 4
res comites barones milites [f] libere tenentes
qui habent boſcos ſuos in foreſtis habeant
*boſ*cos ſuos ſicut eos habuerunt tempore pri-
me coronationis regis Henrici avi noſtri ita
quod quieti ſint imperpetuum de omnibus
[g] purpreſturis vaſtis et [h] eſſartis factis in illis
boſcis poſt illud tempus uſque ad principium
ſecundi anni coronationis noſtre et qui *de*
cetero vaſtum vel purpreſturam ſine licentia
noſtra in illis fecerint vel [i] eſſartum de vaſtis
purpreſturis et [k] eſſartis reſpondeant Re- 5
gardatores noſtri eant per foreſtas ad facien-
dum regardum ſicut fieri conſuevit tempore
prime coronationis regis Henrici *avi noſtri*
et non aliter Inquiſitio vel viſus de expedi- 6
tatione canum exiſtentium in foreſta de ce-
tero fiat quando fieri debet regardum ſcilicet
de tertio anno in tertium annum et tunc fiat
per viſum et teſtimonium legalium hominum et

VARIAE LECTIONES.

[c] fuerunt. D,Inſp.O.TT.
[f] et libere. D,Inſp.O.
[g] pupreſturis. O.
[h] aſſartis. D,Inſp.O.TT.
[i] aſſartum. D,Inſp.O.TT.
[k] aſſartis. D,Inſp.O.TT.

non

*non aliter et ille cujus canis inv*entus fuerit tunc non expeditatus det pro miſericordia tres ſolidos et de cetero nullus bos capiatur pro expeditatione[l] Talis autem [m] ſit expeditatio per aſſiſam communiter [n] quod tres *ortelli* [o] *abſcindantur ſine pelota de pede anteriori nec* [p] *expeditent*ur canes de cetero niſi in locis ubi conſueverunt expeditari tempore prime coronationis predicti regis Henrici avi noſtri
7 Nullus foreſtarius vel bedellus de cetero faciat ſcotallas *vel colligat garbas vel avenam vel bladum aliquod vel agnos* vel porcellos nec aliquam collectam faciat et per viſum et ſacramentum duodecim regardatorum quando [q] facient regardum tot foreſtarii ponantur ad foreſtas cuſtodiendas q*uot ad illas cuſtodi-*
8 *endas rationabiliter viderint ſufficere* Nullum [r] ſwanimotum de cetero teneatur in regno noſtro niſi ter in anno videlicet in principio quindecim dierum ante feſtum ſancti Michaelis quando agiſtatores noſtri conveniunt ad *agiſtandum dominicos boſcos noſtros et circa feſtum ſancti Martini quando agi*ſtatores noſtri debent recipere [s] pannagium noſtrum et

VARIAE LECTIONES.

l canum Talis. D,Inſp.O.
m fiat. D,Inſp.O.TT.
n uſitatam quod. D,Inſp.TT. uſitatem quod. O.
o abcidantur ſive. O. abſcindantur ſive. D,Inſp.TT.
p expiditentur. O.
q faciunt. D,Inſp. faciant. O.
r ſwaynmotum. D,Inſp.O. ſwainimotum. T28.
s paunagium. D,Inſp.O.

ad

ad iſta duo [t] ſwanimota conveniant foreſtarii [u] viridarii et agiſtatores et non alii per diſtrictionem et *tertium* [w] *ſwanimotum teneatur in initio quindecim dierum ante feſtum ſancti Johannis* baptiſte pro feonatione beſtiarum noſtrarum et ad illud [x] ſwanimotum tenendum [y] convenient foreſtarii viridarii et non alii per diſtrictionem Preterea ſing*ulis quadraginta diebus per totum annum conveniant foreſtarii et viridarii ad* [z] faciendum attachiamenta de foreſta tam de viridi quam de venatione per preſentationem foreſtariorum ipſorum et coram ipſis attachiatis Predicta autem [a] *ſwanimota non teneantur niſi in comitatibus in quibus teneri conſueverunt* Unuſ- 9
quiſque liber homo agiſtet boſcum ſuum [b] quem habet in foreſta pro voluntate ſua et habeat [c] pannagium ſuum Concedimus etiam quod unuſquiſque liber homo ducere poſſit porcos ſ*uos per dominicum boſcum noſtrum libere et ſine impedimento ad agiſtandum eos in boſcis* ſuis propriis vel alibi ubi voluerit et ſi porci alicujus liberi hominis una nocte pernoctaverint in foreſta noſtra non

VARIAE LECTIONES.

t ſwaynmota. D,Inſp.O. ſwainimota. T28.
u *deeſt* viridarii. T28.
w x ſwaynmotum. D,Inſp.O. ſwainimota. T28.
y conveniant. TT.
z videndum. D,Inſp.O.TT.
a ſwaynmota. D,Inſp. ſwainimota. T28.
b *deſunt* quem habet. D,Inſp.O. TT.
c paunagium. D,Inſp.O.

inde occasionetur unde aliquid de suo perdat
10 Nullus *de cetero amittat vitam vel membra pro venatione nostra* [d] *set si quis* captus fuerit et convictus de captione venationis graviter redimatur si habeat unde redimi possit si autem non habeat unde redimi possit jaceat in prisona nostra per unum annum *et unum diem et si post unum annum et unum diem plegios invenire* possit exeat de prisona sin autem ab-
11 juret regnum Anglie [e] Quicunque archiepiscopus episcopus comes vel baro veniens ad nos ad mandatum nostrum transierit per forestam nostram *liceat ei capere unam bestiam vel duas per visum forestarii si* presens fuerit sin autem faciat cornari ne [f] videatur furtive hoc facere Idem liceat eis [g] in redeun-
12 do facere sicut predictum est Unusquisque liber homo de cetero sine occasione faciat in bosco *suo vel in terra sua quam habet in foresta molendinum vivarium* stagnum marleram fossatum vel terram arabilem extra coopertum in terra arabili ita quod non sit ad no-
13 cumentum alicujus vicini Unusquisque liber homo habeat in boscis suis aereas ancipitrum *espervariorum falconum aquilarum et* [h] *de heyrinis et habeat* similiter mel quod in-

VARIAE LECTIONES.

d sed. D,Insp.O.
e Quicumque. TT.
f videat. O.
g *deest* in. D,Insp.O.
h heironum. D,Insp.TT. heyronum. O.

ventum

ventum fuerit in boſcis ſuis Nullus foreſ- 14
tarius de cetero qui non ſit foreſtarius de
feodo firmam nobis reddens pro balliva ſua
capiat [i] cheminagium aliquod in balliva ſua
foreſtarius autem de feodo firmam nobis reddens
pro balliva ſua capiat [k] cheminagium videli-
cet pro [l] carecta per dimidium annum duos
denarios et per alium dimidium annum duos
denarios [m] et pro equo qui portat ſumma-
gium per dimidium annum *obolum et per*
alium dimidium annum obolum et non niſi de
illis qui [n] de extra ballivam ſuam tanquam
mercatores veniunt per licentiam ſuam in
ballivam ſuam ad buſcam [o] meremium cor-
ticem vel carbonem emendum et [p] alias du-
cendum ad vendend*um ubi voluerint et de*
nulla alia [q] carecta vel ſummagio aliquo [r] che-
minagium capiatur et non capiatur [s] chemi-
nagium niſi in locis in quibus antiquitus capi
ſolebat et debuit Illi autem qui portant
[t] ſuper dorſum ſuum buſcam corticem vel
carb*onem ad vendendum quamvis inde* vivant
nullum de cetero dent [u] cheminagium Om- 15
nes [w] utlagati pro foreſta [x] tantum a tempore

VARIAE LECTIONES.

i k chiminagium. D,Inſp.O.T28.
l caretta. D,Inſp.O.
m *deeſt* et. TT.
n *deeſt* de. TT.
o maremium. D,Inſp.O. maere-
mum. T25. maeremium. T28.
p alius. O.
q caretta. D,Inſp.O.
r s chiminagium. D,Inſp.O.T28.
t ſupra. D,Inſp.O.
u chiminagium. D,Inſp.O.T28.
w autem utlagati. D,Inſp.O.
x noſtra tantum. T28.

regis Henrici avi noſtri uſque ad primam coronationem noſtram veniant ad pacem noſtram ſine impedimento et ſalvos p*legios inveniant quod de cetero* non forisfacient no-
16 bis de foreſta noſtra Nullus [y] caſtellanus teneat placita de foreſta ſive de viridi ſive de venatione ſet quilibet foreſtarius de feodo attachiet placita de foreſta tam de *viridi quam de venatione* et ea preſentet viridariis provinciarum et cum [z] inrotulata fuerint et ſub [a] ſigillis viridariorum incluſa preſententur capitali foreſtario noſtro cum in partes illas venerit ad tenendum placita [b] foreſte et coram eo ter*minentur* *Has autem* libertates de foreſtis conceſſimus omnibus Salvis archiepiſcopis epiſcopis abbatibus prioribus comitibus baronibus militibus et aliis tam perſonis eccleſiaſticis quam ſecularibus templariis [c] et [d] hoſpitalariis libertatibus et l*iberis conſuetudinibus in foreſtis* et extra in warennis et aliis quas prius habuerunt Omnes autem [e] iſtas conſuetudines predictas et libertates quas conceſſimus in regno noſtro tenendas quantum ad nos pertinet erga noſtros omnes de regno noſtro [f] *obſervent* quan-

VARIAE LECTIONES.

y conſtabularius caſtellanus vel alius teneat. D,Inſp.O.TT.
z irrotulata. D,Inſp.O.
a ſigillo. TT.
b de foreſta et. D,Inſp.O.
c *deeſt* et. D,Inſp.O.
d hoſpitelariis. TT.
e *deeſt* iſtas. D,Inſp.O.
f tam clerici quam laici obſervent. D,Inſp.O.TT.

tum

tum ad se pertinet erga suos Pro hac [g] igitur concessione et donatione libertatum istarum et aliarum [h] libertatum contentarum in majori carta nostra de aliis libertatibus archiepiscopi episcopi abbates priores comites barones milites [i] libere tenentes et omnes de regno nostro dederunt nobis quintamdecimam partem omnium mobilium suorum Concessimus [k] etiam eisdem pro nobis et heredibus nostris quod nec nos nec heredes nostri aliquid perquiremus per quod libertates in hac carta contente infringantur vel infirmentur et si ab aliquo aliquid contra hoc perquisitum fuerit nichil valeat et pro nullo habeatur Hiis testibus domino S. Cantuar' archiepiscopo [l] R. London' J. Bathon' P. Winton' H. Lincoln' R. Sar' [m] B. Roffen' W. Wigorn' J. Elien' H. Hereford' R. Ciceſtr' W. Exon' episcopis abbate sancti Edmundi abbate sancti Albani abbate de Bello abbate sancti Augustini Cantuar' abbate de Evesham abbate de Westmon' abbate de burgo sancti Petri abbate de Rading' abbate de Abendon' abbate de [n] Maumebir' abbate de Winchecumb' abbate de Hyda abbate de Certes' abbate de Sireburn' abbate

VARIAE LECTIONES.

g autem. D,Insp.O.TT.
h *deest* libertatum. O.
i et libere. D,Insp.O.
k *deest* etiam. TT.
l S. London' episcopo. T 28. E. London' episcopo. D,Insp.O.T25.
m W. Roff'. O.
n Malmesbury. O.TT.

de

de Cern' abbate de [o]Abotebir' abbate de Middleton' abbate de Seleby abbate de Wyteby abbate de Cirenceſtr' H. de Burg' juſticiario R. comite Ceſtr' et Linc' W. comite Sarr' W. comite Warenn' G. de Clar' comite Glouceſtr' et Hertford' W. de Ferrar' comite de Derby W. de Mandevill' comite Eſſex' H. le Bigod comite Norff' W. comite Aubemarl' H. comite Hereford' Johanne conſtabulario Ceſtr' Roberto de Ros Roberto filio Walteri Roberto de Veteri Ponte Willielmo [p]Bigwerr' Ricardo de Munfich' Petro filio Herberti Mattheo filio Herberti Willielmo de Albiniaco Roberto Greſl' Reginaldo de [q]Brahus Johanne de [r]Munem' Johanne filio Alani Hugone de Mortuo Mari Waltero de Bello Campo Willielmo de ſancto Johanne Petro de [s]Mala Lacu Briano de Inſula Thoma de Muleton' Ricardo de Argentein Gaufrido de Nevill' Willielmo [t]Mauduit Johanne de Baalun [u] Dat' apud Weſtmon' undecimo die Februarii anno regni noſtri nono [w].

VARIAE LECTIONES.

o Abboteſbury. O. Abboteſbir'. TT.

p Bygwerr'. TT. de Bruera. O.

q Breus. O.TT.

r Monemue. TT.

s Malo. D,Inſp,O.TT.

t Maudut et Johanne. TT.

u et aliis Dat.' D,Inſp,O TT.

w Nos autem donationes et conceſſiones predictas ratas habentes et gratas eas pro nobis et heredibus noſtris concedimus et confirmamus eaſque tenore preſentium innovamus volentes et concedentes pro nobis et heredibus noſtris quod carta predicta in omnibus et ſinguliſ ſuis articulis imperpetuum firmiter et inviolabiliter obſervetur etiamſi aliqui articuli in eadem

VARIAE LECTIONES.

eadem carta contenti hucusque forsitan non fuerint observati. D,Insp.O. TT. [In cujus rei testimonium has litteras nostras fieri fecimus patentes Teste Edwardo filio nostro apud Westm' duodecimo die Octobris anno regni nostri vicesimo quinto. T25.] Hiis testibus [venerabilibus patribus. T28.] R. Cantuar' archiepiscopo totius Anglie primate A. Dunolm [episcopo. T28.] R. London' R. Elyen' Th. Exon' W. Coventr' et Lychefeld' S. Sar' J. Roff' [J. Norwycen. D,Insp. O.—et. T28.] J. Landaven' episcopis J. Lincoln' electo Johanne de Warenn' comite Surr' Thoma comite Lancastr' Rogero le Bygod comite Norff' et marescallo Anglie H. de Lacy comite Lincoln' Radulfo de Monte Hermer comite Glouceștr' et Hertford' Humfrido de Bohun comite Hereford' et Essex' Guydone de Bello Campo comite Warr' Ricardo filio Alani comite Arundel' Reginaldo de Grey Johanne de Hastinges Henrico de Percy Hugone le Despenser Hugone de Veer Roberto de Tateshale Hugone Bardolf Hugone de Curteney Johanne de Segrave Henrico de Grey Willielmo { le. D,Insp.O. / de. T28. . . } Ros de Helmesleye Alano la Zusche Roberto de Tony Roberto de Monte Alto Willielmo de Breus Thoma de Furnival Johanne [Engayne. D,Insp. O.—Engaigne. T28.] Petro Corbet Willielmo de Leyburne Willielmo le Latimer Waltero de Bello Campo seneschallo hospitii nostri Waltero de Huntercumbe et aliis Dat' per manum nostram apud Westmonasterium vicesimo octavo die Martii anno regni nostri vicesimo octavo. D, Insp. O, T28.

CARTA CONFIRMATIONIS

REGIS HENRICI III,

XXVIII DIE JANUARII, MCCXXXVI,

ANNO REGNI XXI.

HENRICUS Dei gracia rex Anglie dominus Hybernie dux Normannie et Aquitanie comes Andegavie omnibus Christi fidelibus presentem cartam inspecturis salutem Sciatis quod intuitu Dei et pro salute anime nostre et animarum anteceſſorum et heredum nostrorum ad exaltationem sancte eccleſie et emendationem regni nostri conceſſimus et hac carta nostra confirmavimus archiepiscopis episcopis abbatibus prioribus comitibus baronibus militibus liberis hominibus

hominibus et omnibus de regno noſtro Anglie omnes libertates et liberas conſuetudines contentas in cartis noſtris quas eiſdem fidelibus noſtris fieri fecimus cum minoris eſſemus etatis ſcilicet tam in magna carta noſtra quam in carta de foreſta Et volumus et precipimus pro nobis et heredibus noſtris quod prefati fideles noſtri et ſucceſſores et heredes eorum habeant et teneant in perpetuum omnes libertates et liberas conſuetudines predictas non obſtante eo quod predicte carte confecte fuerunt cum minoris eſſemus etatis ut predictum eſt Hiis teſtibus venerabilibus patribus E. archiepiſcopo Cantuar' P. Winton' J. Bathon' R. Dunolm' R. London' W. Karl' W. Exon' R. Sarr' H. Elyen' R. Linc' R. Hereford' A. Coventr' et Lychefeld' epiſcopis W. Valenc' et W. Wygorn' electis R. comite Cornub' et Pictav' J. comite Ceſtr' et Huntedon' J. comite Linc' conſtabulario Ceſtr' G. Mareſcallo comite Pembr' W. comite de Ferrar' W. comite Warenn', H. comite Kanc' H. comite Eſſex' et Hereford Simone de Monteforti Willielmo Lungeſp' Willielmo de Ferrar' Willielmo de Veſcy Ricardo de Percy Ricardo de Munfichet Willielmo de Ros Johanne Byſet Gilberto de Umframvill' Willielmo de Lancaſtr' Willielmo de Cantilupo Waltero de Clifford Johanne Monem' Radulfo

Radulfo de Mortuo Mari Willielmo Mauduit Rogero la Zuch' Olivero de Vallibus Gilberto Baſſet et aliis Dat' per manum venerabilis patris R. Cyceſtr' epiſcopi cancellarii noſtri apud Weſtmonaſter' xxviii° die Januarii anno regni noſtri viceſimo primo.


HENRICVS DVX NORMANNIE AQVITANIE ET COMES ANDEGAVIE

SENTENTIA EXCOMMUNICATIONIS

LATA IN

TRANSGRESSORES CARTARUM

REGIS HENRICI III,

XIII DIE MAII, MCCLIII,

ANNO REGNI XXXVII.

ANNO Domini MCC LIII iij° idus Maii in magna aula regis apud Weſt' ſub preſentia et aſſenſu domini Henrici Dei gratia illuſtris regis Anglie et dominorum R. comitis Cornub' fratris ſui R. comitis Norff' et Suff' mareſcalli Anglie H. comitis Heref' H. comitis Oxon' J. comitis War' et aliorum optimatum regni Anglie Nos B. divina miſeratione Cant' archiepiſcopus totius Anglie primas F. London' H. Elyens' R. Linc' W. Wygorn' W. Norwic' P. Hereford'

Hereford' W. Sarr' W. Dunolm' R. Exon' S. Karl' W. Bathon' L. Roffens' Thom. Menevens' epiſcopi pontificalibus induti candelis accenſis in tranſgreſſores libertatum eccleſiaſticarum et libertatum ſeu liberarum conſuetudinum regni Anglie et precipue earum que continentur in carta communium libertatum regni et carta de foreſta excommunicationis ſententiam ſolempniter tulimus ſub hac forma Auctoritate Dei patris omnipotentis et patris et filii et ſpiritus ſancti et glorioſe Dei genitricis ſemperque virginis Marie beatorum apoſtolorum Petri et Pauli omniumque apoſtolorum beati Thome archiepiſcopi et martiris omniumque martirum Dei beati Edwardi regis Anglie omniumque confeſſorum atque virginum omniumque ſanctorum Dei excommunicamus anetematizamus et a liminibus ſancte matris eccleſie ſequeſtramus omnes illos qui amodo ſcienter et malitioſe eccleſias privaverint vel ſpoliaverint ſuo jure Item omnes illos qui eccleſiaſticas libertates vel antiquas regni conſuetudines approbatas et precipue libertates et liberas conſuetudines que in cartis communium libertatum et de foreſta continentur conceſſis a domino rege archiepiſcopis epiſcopis et ceteris Anglie prelatis comitibus baronibus militibus et libere tenentibus quacunque arte vel ingenio violaverint

verint infregerint diminuerint ſeu immutaverint clam vel palam facto verbo vel conſilio contra illas vel earum aliquam in quocunque articulo temere veniendo Item omnes illos qui contra illas vel earum aliquam ſtatuta aliqua ediderint vel edita ſervaverint et conſuetudines introduxerint vel ſervaverint introductas ſcriptores ſtatutorum necnon conſiliatores et executores et qui ſecundum ea preſumpſerint judicare qui omnes et ſinguli ſuperius memorati hanc ſententiam incurſuros ſe noverint ipſo facto qui ſcienter aliquid commiſerint de predictis qui vero ignoranter niſi commoniti infra quindenam a tempore commonitionis ſe correxerint et arbitrio ordinariorum ſatisfecerint de commiſſis extunc ſint hac ſententia involuti Eadem etiam ſententia innodamus illos qui qui pacem regis et regni preſumpſerint perturbare In cujus rei memoriam ſempiternam nos ſigna noſtra duximus apponenda.

NOVERINT univerſi quod dominus Henricus rex Anglie illuſtris R. comes Norff' et mareſcallus Anglie H. comes Hereford' et Eſſex' J. comes de Warrewic' Petrus

trus de Sabaud' ceterique magnates Anglie conſenſerunt in ſententiam excommunicationis generaliter latam apud Weſtm' tertio decimo die Maii anno regni regis predicti xxxvij° in hac forma ſcilicet quod vinculo prefate ſententie ligentur omnes venientes contra libertates contentas in cartis communium libertatum Anglie et de foreſta et omnes qui libertates eccleſie Anglicane temporibus domini regis et predeceſſorum ſuorum regum Anglie optentas et uſitatas ſcienter et malicioſe violaverint aut infringere preſumpſerint et omnes illi qui pacem domini regis et regni perturbaverint et ſimiliter omnes qui jura et libertates regis et regni diminuere infringere ſeu immutare preſumpſerint et quod omnes venientes contra premiſſa vel eorum aliqua ignoranter et legitime moniti infra quindenam poſt monitionem premiſſam dictam tranſgreſſionem non emendaverint extunc predicte ſententie excommunicationis ſubjacebunt ita tamen quod dominus rex tranſgreſſionem illam per conſiderationem curie ſue faciat emendari Sciendum autem quod ſi in ſcriptis ſuper eadem ſententia a quibuſcunque confectis ſeu conficiendis aliud vel aliter appoſitum vel adjectum fuerit aut articuli aliqui alii in eis contenti inveniantur dominus rex et predicti magnates omnes et communitas populi proteſtantur

tantur publice in preſentia venerabilium patrum B. Dei gratia Cant' archiepiſcopi totius Anglie primatis necnon et epiſcoporum omnium in eodem colloquio exiſtentium quod in ea nunquam conſenſerunt nec conſentiunt ſet de plano eis contradicunt Preterea prefatus dominus rex in prolatione prefate ſententie omnes libertates et conſuetudines regni noſtri antiquas et uſitatas et dignitates et jura corone ſue ore proprio ſpecialiter ſibi et regno ſuo ſalvavit et excepit In cujus rei memoriam et in poſterum veritatis teſtimonium tam dominus rex quam predicti comites ad inſtantiam aliorum magnatum et populi preſenti ſcripto ſigilla ſua appoſuerunt.

CARTA CONFIRMATIONIS

REGIS HENRICI III,

XIV DIE MARTII, MCCLXIV,

ANNO REGNI XLIX.

REX[a] omnibus de comitatu Eborum salutem Cum propter hostilem turbationem habitam in regno nostro de unanimi assensu et voluntate nostra et Edwardi filii nostri primogeniti prelatorum comitum baronum et communitatis regni nostri pro

[a] *In MS. Cottón. Claud. D. II.* 44. *fol.* 137. *sic legitur*; HENRICUS Dei gratia rex Anglie et dux Aquitanie omnibus de comitatu Midd' salutem Cum, &c.

regni

regni ipſius pace pro cujus ſecuritate dictus Edwardus et Henricus filius Regis Alem' nepos noſter obſides dati fuerunt concorditer ſit proviſum quod quedam ordinatio de unanimi aſſenſu noſtro prelatorum comitum ac baronum predictorum ſuper noſtro et regni noſtri ſtatu London' menſe Junii anno regni noſtri xl° viij° facta inviolabiliter [b] obſerventur univerſitatem veſtram ſcire volumus quod nos ordinationem ipſam et pacem et tranquillitatem regni bona fide obſervare et in nullo contravenire ad ſancta Dei ewangelia juravimus hoc adjecto in eodem ſacramento ſpecialiter et expreſſe quod occaſione factorum precedentium tempore turbationis aut guerre precedentis neminem occaſionabimus aut inculpabimus de illis aut de parte illorum quos tanquam inimicos diffidavimus puta comites Leyc' et Glouc' et alios ſibi adherentes ac barones ſeu cives noſtros London' et quinque portuum nec alicui de predictis dampnum faciemus aut fieri procurabimus nec per ballivos noſtros aliquatenus fieri permittemus Juravimus inſuper quod ea omnia que pro liberatione dictorum filii noſtri ac nepotis ſunt proviſa et ſigillo noſtro ſigillata quantum ad nos pertinet inviolabi-

[b] *Sic in Rotulo. In MS. Cotton.* obſervetur.

liter obſervabimus et ab aliis pro poſſe noſtro faciemus obſervari Volentes et conſentientes expreſſe quod ſi nos vel dictus Edwardus filius noſter contra predictam ordinationem proviſionem noſtram ſeu juramentum quod abſit in aliquo venire ſeu pacem et tranquillitatem regni noſtri turbare ſeu occaſione factorum precedentium tempore turbationis ac guerre precedentis aliquem de predictis aut de parte predictorum quos diffidavimus occaſionare ſeu alicui de eis dampnum facere aut fieri procurare preſumpſerimus liceat omnibus de regno noſtro contra nos inſurgere et ad gravamen noſtrum opem et opera dare juxta poſſe ad quod ex preſenti precepto noſtro omnes et ſingulos volumus obligari fidelitate et homagio nobis factis non obſtantibus ita quod nobis in nullo intendant ſet omnia que gravamen noſtrum reſpiciunt faciant ac ſi in nullo nobis tenerentur donec quod in hac parte tranſgreſſum fuerit ſeu commiſſum ſatisfactione congrua in ſtatum debitum ſecundum predictorum ordinationis et proviſionis noſtre ſeu juramenti formam fuerit reformatum quo facto nobis ſicut prius intendentes exiſtant Et ſi aliquis alius de regno noſtro contra predicta venire ſeu pacem et tranquillitatem regni noſtri turbare preſumpſerit ſeu nobis vel

Edwardo

Edwardo filio noſtro aut alicui alteri contra predicta vel aliquod predictorum venientibus opem conſilium conſenſum vel auxilium quoquo modo preſtiterit ſi hoc notorium fuerit aut de hoc per conſiderationem conſilii noſtri et magnatum terre noſtre convictus fuerit [c] ſive non tam ipſe quam heredes ſui imperpetuum exheredentur et de terris et tenementis ipſorum fiat prout de terris eorum qui de felonia convicti ſunt ſecundum leges et conſuetudines regni noſtri fieri conſuevit Ad hec de unanimi aſſenſu et voluntate noſtri Edwardi filii noſtri prelatorum comitum baronum et communitatis regni noſtri concorditer proviſum eſt quod carte antique communium libertatum et foreſte communitati regni noſtri per nos dudum conceſſe in quarum violatores ad petitionem noſtram ſententia excommunicationis dudum lata eſt et per ſedem apoſtolicam ſpecialiter confirmata necnon et omnes articuli de noſtro et magnatum terre noſtre communi aſſenſu dudum proviſi quos nuper apud Wigorn' exiſtentes per ſingulos comi-

[c] *Sic Rotulus, manifeſto (ut videtur) mendo. In MS. Cotton. poſt verba* convictus fuerit *haec clauſula ſequitur*; de unanimi aſſenſu noſtro Edwardi filii noſtri comitum baronum et communitatis regni noſtri proviſum eſt et ſtatutum quod corpus ipſius ſi inventum fuerit capiatur alioquin a regno noſtro utlagetur et ſive inventus fuerit ſive non, &c.

tatus

tatus ſub ſigillo noſtro tranſmiſimus inviolabiter obſerventur imperpetuum ad quorum obſervationem ſacramento ad ſancta Dei ewangelia corporaliter preſtito ſponte nos obligavimus et omnes juſticiarios vicecomites et quoſcunque ballivos de regno noſtro tam noſtros quam aliorum ſimili ſacramento volumus obligari ita quod nullus teneatur alicui ballivo obedire donec ſacramentum preſtiterit Et ſi quis contra cartas ipſas vel articulos predictos in aliquo venire preſumpſerit preter perjurii reatum et excommunicationis ſententiam que incurret per conſiderationem curie noſtre graviter puniatur Salvo in premiſſis prout decet privilegio clericali Et quia volumus quod hec omnia firmiter et inviolabiliter obſerventur univerſitati veſtre firmiter injungendo ac precipiendo mandamus quatinus vos omnes et ſinguli predicta omnia et ſingula ſicut ſuperius ſcripta ſunt faciatis teneatis et inviolabiliter obſervetis et ad ea omnia facienda tenenda et obſervanda ad ſancta Dei ewangelia ſacramento corporaliter preſtito ad invicem vos obligetis In cujus rei teſtimonium cartas et ordinationes predictas cum preſentibus literis patentibus vobis ſub ſigillo noſtro tranſmittimus in comitatum noſtrum ſub cuſtodia fidedignorum ad hoc electorum ad

rei

rei memoriam ſalvo cuſtodiendas Contra quas ne quis ignorantiam pretendere poſſit in futurum ad minus bis in anno in pleno comitatu ipſas precipimus publicari ita quod fiat prima publicatio in proximo comitatu poſt inſtans feſtum Paſche ſecunda vero fiat in proximo comitatu poſt feſtum ſancti Michaelis et ſic deinceps fiat annuatim Volumus inſuper quod ſalvis omnibus ſupradictis omnes alie ordinationes et articuli per nos et conſilium noſtrum hactenus proviſi qui poterunt ad honorem Dei et eccleſie fidem noſtram et regni noſtri commodum obſervari inviolabiliter obſerventur et teneantur Ut autem premiſſa omnia et ſingula firma maneant et inconcuſſa reverendi patres epiſcopi per regnum noſtrum conſtituti ad inſtantiam noſtram ſententiam excommunicationis fulminarunt in omnes illos qui contra premiſſa vel aliquid premiſſorum ſcienter venerint aut venire temptaverint cum effectu quorum juriſdictioni ſeu cohercioni ſpontanea voluntate quantum ad premiſſa nos ſubmittimus privilegiis noſtris omnibus impetratis aut impetrandis ſeu proprio motu domini pape nobis conceſſis aut in poſterum concedendis in hoc pure renunciantes prout in litteris ſuper hoc confectis penes dictos prelatos reſidentibus plenius continetur In

cujus

cujus rei teſtimonium has litteras noſtras fieri fecimus patentes Teſte meipſo apud Weſtm' [d].

[d] *Sic explicit Rotulus. In MS. Cotton. haec ſequitur Clauſula* ; die Martii anno regni noſtri xlix°, xiiij°


HENRICVS · DEI · GRACIA · REX · ANGLIE · DOMINVS · HYBERNIE · DVX · AQVITANIE

STATUTUM DE MARLEBERGE,

SUB

REGE HENRICO III,

XVIII DIE NOVEMBRIS, MCCLXVII,

ANNO REGNI LII.

Capitulum quintum.

MAGNA carta in ſingulis ſuis articulis teneatur tam in hiis que ad regem pertinent quam ad alios et hoc coram juſticiariis itinerantibus in ſuis itineribus et vicecomitibus in comitatibus ſuis cum opus fuerit demandetur et brevia verſus eos qui contravenerint gratis concedantur coram rege vel coram juſticiariis de banco vel coram juſticiariis itinerantibus cum in partes illas venerint Similiter carta de foreſta in ſingulis ſuis articulis teneatur et contravenientes per dominum regem cum convicti fuerint graviter puniantur modo ſupradicto.

CONFIRMATIO CARTARUM

REGIS EDWARDI I,

V DIE NOVEMBRIS, MCCXCVII,

ANNO REGNI XXV.

EDWARD par le grace de Dieu roi dEngleterre ſeygneur dIrlaunde e ducs dAquitanie a toutz ceuz qui ceſtes preſentes lettres verrount ou orrount ſaluz Sachiez nous al honeur de Dieu e de ſeinte egliſe e au profiſt de tout noſtre roiaume avoir graunte pur nous e pur nos heyrs ke la graunt chartre de fraunchiſes e la chartre de la foreſte les queles feurent faites par commun aſent de tout le roiaume en le temps le roi Hanry noſtre pere ſoient tenues en touz leur

leur pointz ſaunz nul blemiſſement E volums ke meiſmes celes chartres deſouz noſtre ſeal ſoient envieez a noz juſtices auſi bien de la foreſt cume as autres e a touz les viſcountes des counteez e a toutz nos autres miniſtres e a toutes noz cyteez par my la terre enſemblement ove noz brefs en les quieux ſerra countenu kil facent les avauntdites chartres puplier e ke il facent dire au pueple ke nos les avums grauntees de tenir les en toutz leur pointz E a nos juſtices viſcountes e maires e autres miniſtres qui la loy de la terre deſoutz nous e par nous ount a guier meiſmes les chartres en toutz lur pointz en pledz devaunt eaux e en jugementz les facent alower ceſt a ſavoir la graunt chartre des fraunchiſes cume loi commune e la chartre de la foreſt ſolunc laſiſe de la foreſt al amendement de noſtre pueple E volums ke ſi nuls jugementz ſoient donez deſore mes encountre les pointz des chartres avauntdites par juſtices e par nos autres miniſtres qui countre les pointz des chartres tienent pledz devaunt eaux ſoient defez e pur nyent tenuz E voloms ke mieſmes celes chartres deſoutz noſtre ſeal ſoient envieez as egliſes cathedrales parmi noſtre roiaume e la demoergent e ſoient deus fiez par an lues devaunt le poeple E ke arceeveeſques eveſques doingnent ſentences du graunt

graunt eſcumeng' countre touz ceauz qui countre les avauntdites chartres vendrount ou en fait ou en ayde ou en conſal ou nul poynt enfreindrent ou encountre vendrount e ke celes ſentences ſoient denunciez e pupliez deux foyz par an par les avantditz prelas e ſi meiſmes les prelas eveſques ou nul deux ſoient necgligentz a la denunciaciun ſuſdite faire par les arceeveſques de Cauntirbire e de Everwyk qui pur temps ſerrount ſicume covyent ſoient repris e diſtreinz a meiſmes cele denunciaciun fere en la fourme avauntdite E pur coe ke aukune gentz de noſtre roiaume ſe doutent que les aides e les miſes les queles il nous unt fait avaunt ces houres pur nos guerres e autres buſoignes de leur graunt e de leur bone volente en quele manere qe fez ſoient peuſſent tourner en ſervage a eux e a leur heyrs par coe quil ſerroient autreſoyz trovez en roulle e auſint priſes que unt eſte faites par my le roiaume par nos miniſtres en noſtre noun avums graunte pur nous e pur nos heyrs que mes teles aydes miſes ne priſes ne trerroms a couſtume par nule choſe qe ſoit fayte ou ke par roulle ou en autre manere puſt eſtre trovee E auſint avums graunte pur nous e pur nos heyrs as arceeveſques eveſques abbees priours e as autre gentz de ſeint egliſe e as countes e barouns e a toute

la

la communaute de la terre que mes pur nule buſoignie tieu manere des aydes miſes ne priſes de noſtre roiaume ne prendrums fors ke par commun aſſent de tut le roiaume e a commun profiſt de meiſmes le roiaume ſauve les auncienes aydes e priſes dues e a couſtumees E pur coe ke tout le plus de la communaute del roiaume ſe ſentent durement grevez de la male toute des leynes ceſt aſaver de cheſcun ſac de leyne quarante ſous e nous unt prie ke nous les vouſiſſums releſſer nous a leur priere les avums pleinement releſſe e avums graunte que cele ne autre mes ne prendroms ſauntz leur commun aſſent e lur bone volente ſauve a nous e a nos heyrs la couſtume des leynes peaux e quirs avaunt grauntez par la communaute du roiaume avauntdit Et teſmoinaunce des quieux choſes nous avums fait faire ceſtes nos lettres overtes Donees a Gaunt le quint jour de Novembre lan de noſtre regne vintiſme quint.

ARTICULI

SUPER CARTAS,

REGIS EDWARDI I,

VI DIE MARTII, MCCXCIX,

ANNO REGNI XXVIII.

PUR ceo qe les poyntz de la grant chartre des franchiſes & la chartre de la foreſt les quieus le roy Henri pere le roi qe ore eſt granta a ſoen poeple pur le pru de ſoen roiaume ne unt pas eſte tenuz ne gardez avant ces heures pur ceo qe peyne ne fuſt avant eſtablie en les treſpaſſours contre les poyntz des chartres avantdites noſtre ſeigneur le roi les ad de novel grante renovele e conferme et a la requeſte des prelatz contes & barouns en ſoen parlement a Weſtmonſter

monſter en quaremme lan de ſoen regne vynt et utiſme ad certeine fourme & peyne ordene e eſtabli encontre tuz iceaus qe contre les poyntz des avantdites chartres ou nul poynt de eles en nule manere vendront en la fourme qe ſenſuit ceſt aſavoir Qe de ci enavant la grant chartre des franchiſes dEngleterre grantee a tote la commune dEngleterre e la chartre de la foreſt en meiſme la manere grantee ſoient tenues gardees e meintenues en cheſcun article & cheſcun poynt auſi pleynement come le roi lad grante renovele & par ſa chartre conferme E qe celes chartres ſoient baillees a cheſcun viſcont dEngleterre deſoutz le ſeal le roi a lire quatre foiz par an devant le poeple en plein conte ceſt aſavoir a prochein conte apres la ſeint Michel al prochein conte apres le Noel al prochein conte apres la Paſqe et al prochein conte apres la ſeint Johan Et a celes deus chartres en cheſcun poynt & en cheſcun article de eles fermement tenir ou remedie ne fuſt avant par la commune ley ſoient eſlus en cheſcun conte par la commune de meiſme le conte trois prodes hommes chivaliers ou autres loiaux ſages & aviſes qui ſoient juſtices jures & aſſignes par les lettres le roi overtes de ſoen grant ſeal de oyr & determiner ſantz autre bref qe leur commun garant les pleintes qe ſe ferront de touz iceaus

qe vendront ou meſprendront en nul des ditz poyntz des avantdites chartres es contetz ou il ſont aſſignes auſibien dedenz franchiſes come dehors e auſibien des miniſtres le roi hors de leur places come des autres et les pleintes oyes de jour en jour ſantz delay les terminent ſanz alluer les delais qe ſont allues par commune ley E qe meiſmes ceaus chevaliers eient poer de punir touz ceaus qe ſerront atteintz de treſpas fait encontre nul point des chartres avantdites ou remedie ne fuſt avant par commune ley auſi comme avant eſt dit par enpriſonement ou par ranceoun ou par amerciement ſelonc ceo qe le treſpaſs le demande Et par ceo nentent pas le roi ne nul de ceaux qe fuſt a ceſt ordenement fere qe les chivaliers avantditz tiegnent nul play par le poer qe done leur ſerra encas ou avant ces houres fuſt remedie purveu ſolonc la commune lay par bref ne qe prejudice enſoit fet a la commune ley ne a les chartres avantdites en nul de leur pointz E voet le roi qe ſi touz treis ne ſoient preſentz ou ne purront as totes les foiz entendre a faire leur office en la fourme avantdite qe deus des trois le facent E ordene eſt qe les viſcontes e les baillifs le roi ſoient entendantz as les comandementz des avantdites juſtices en quantqe apent a leur office.

CARTA CONFIRMATIONIS

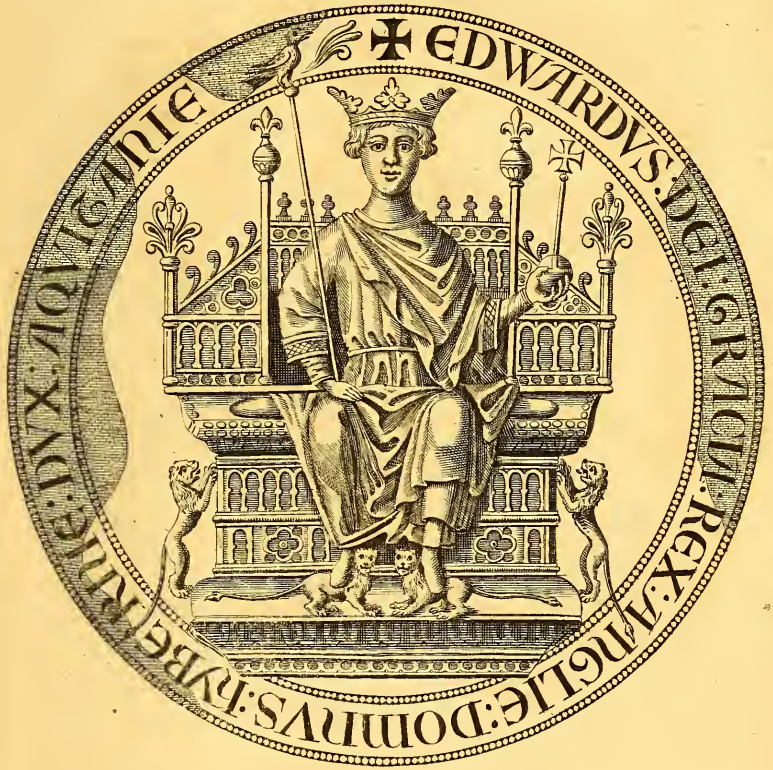
REGIS EDWARDI I,

XIV DIE FEBRUARII, MCCC,

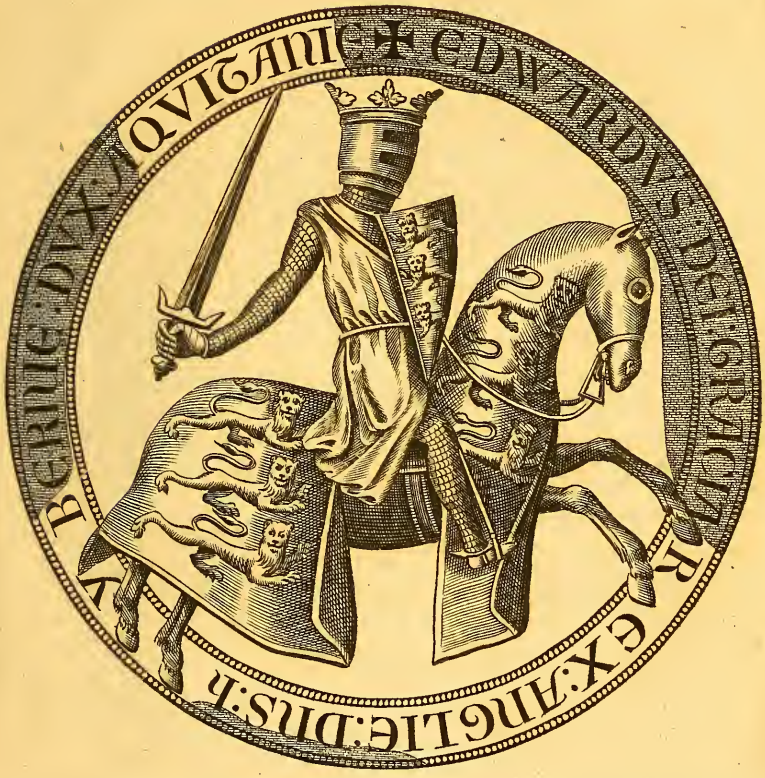
ANNO REGNI XXIX.

EDWARDUS Dei gratia rex Anglie dominus Hibernie et dux Aquitannie omnibus ad quos preſentes littere perverint ſalutem Sciatis quod cum nos magnam cartam domini Henrici quondam regis Anglie patris noſtri de libertatibus Anglie una cum carta de foreſta conceſſerimus et confirmaverimus ac innovaverimus per cartam noſtram preceperimuſque quod carte ille in ſingulis ſuis articulis teneantur et firmiter obſerventur

obſerventur volumus et concedimus pro nobis et heredibus noſtris quod ſi que ſtatuta fuerint contraria dictis cartis vel alicui articulo in eiſdem cartis contento ea de communi conſilio regni noſtri modo debito emendentur vel eciam adnullentur In cujus rei teſtimonium has litteras noſtras fieri fecimus patentes Teſte meipſo apud Lincolniam quartodecimo die Februarii anno regni noſtri viceſimo nono.


EDWARDVS·DEI·GRACIA·REX·ANGLIE·DOMINVS·HYBERNIE·DVX·AQVITANIE




EDWARDVS DEI GRATIA REX ANGLIE DNS HYB
DVX AQVITANIE

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